E/1999/22
E/C.12/1998/26

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE EIGHTEENTH AND NINETEENTH SESSIONS

(27 April-15 May 1998, 16 November-4 December 1998)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1999

SUPPLEMENT No. 2

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1999/22
E/C.12/1998/26

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ABBREVIATIONS

FAO	Food and Agriculture Organization of the United Nations
GNP	Gross national product
ILO	International Labour Organization
IMF	International Monetary Fund
MAI	Multilateral Agreement on Investment
NGLS	Non-Governmental Liaison Service
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
TNCs	Transnational corporations
UNCTAD	United Nations Conference on Trade and Development
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WTO	World Trade Organization

Chapter I

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 4 December 1998, the closing date of the nineteenth session of the Committee on Economic, Social and Cultural Rights, 137 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. 1/ The Economic and Social Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation. Accordingly, in 1998, the Committee held its eighteenth session from 27 April to 15 May and its nineteenth session from 16 November to 4 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its eighteenth and nineteenth sessions is contained in the relevant summary records (E/C.12/1998/SR.1-28/Add.1 and E/C.12/1998/SR.29-57/Add.1, respectively).

C. Membership and attendance

4. All members of the Committee attended the eighteenth session. Mr. Ivan Antanovich, Mr. Oscar Ceville and Mr. Kenneth Osborne Rattray attended only part of the session. All members of the Committee except Mr. Ivan Antanovich and Mr. Kenneth Osborne Rattray attended the nineteenth session.

5. The following specialized agencies and United Nations organs were represented by observers at the eighteenth session: FAO, ILO, IMF, UNCTAD, UNDP, UNESCO, UNHCR, WHO and WIPO; and at the nineteenth session: ILO, UNCTAD, UNDP, UNESCO, UNHCR, UNICEF, WHO and WIPO.

6. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the eighteenth session:

General consultative status:	International Confederation of Free Trade Unions, World Federation of United Nations Associations
Special consultative status:	American Association of Jurists, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International Organization for the Development of Freedom of Education, International Service for Human Rights, OXFAM
Roster:	American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network, International Baccalaureate Organization

and at the nineteenth session:

General consultative status:	International Confederation of Free Trade Unions, World Federation of United Nations Associations
Special consultative status:	American Association of Jurists, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International Organization for the Development of Freedom of Education, International Service for Human Rights, Women's International League for Peace and Freedom
Roster:	American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network, International Baccalaureate Organization.

7. The following international and national non-governmental organizations were also represented by observers at the eighteenth session: Arab Studies Society (Israel); Palestine Human Rights Information Centre (Israel); and at the nineteenth session: Centre for Housing Rights and Evictions (Switzerland); Federation for Women and Family Planning (Poland); Home for Human Rights (Sri Lanka); International Baccalaureate Organization, National Student Organisation (Netherlands); Shelter Rights Initiative (Nigeria); Tamil Centre for Human Rights (Sri Lanka).

D. Pre-sessional working group

8. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

9. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the eighteenth session:

Mr. Abdessatar GRISSA
Mr. Ariranga PILLAY
Mr. Valeri KOUZNETSOV
Mr. Walid M. SADI
Mr. Javier WIMER ZAMBRANO

Prior to the nineteenth session:

Ms. Virginia BONOAN-DANDAN
Mr. Samir AHMED
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV
Mr. Oscar CEVILLE.

10. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 8 to 12 December 1997 and from 18 to 22 May 1998, respectively. All members of the working group, except Mr. Kenneth Osborne Rattray, attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Officers of the Committee

11. The following members of the Committee, elected for a term of two years in accordance with rule 14 of the Committee's rules of procedure, continued to serve as members of the Committee's Bureau:

Chairperson:	Mr. Philip ALSTON
Vice-Chairpersons:	Mr. Abdessatar GRISSA Mr. Dumitru CEAUSU Mr. Kenneth Osborne RATTRAY
Rapporteur:	Ms. Virginia BONOAN-DANDAN.

F. Organization of work

Eighteenth session

12. The Committee considered its organization of work at its 1st meeting on 27 April, 9th meeting on 1 May and 28th meeting on 15 May 1998. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the eighteenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1998/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), twelfth and thirteenth (E/1996/22), fourteenth and fifteenth (E/1997/22) and sixteenth and seventeenth sessions (E/1998/22).

13. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting on 27 April 1998, considered the draft programme of work for its eighteenth session and approved it, as amended during consideration (see E/C.12/1998/L.1/Rev.1).

Nineteenth session

14. The Committee considered its organization of work at its 29th meeting on 16 November and at its 51st meeting on 1 December 1998. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the nineteenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1998/L.2);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), twelfth and thirteenth (E/1996/22), fourteenth and fifteenth (E/1997/22) and sixteenth and seventeenth sessions (E/1998/22).

15. In accordance with rule 8 of its rules of procedure, the Committee, at its 29th meeting on 16 November 1998, considered the draft programme of work for its nineteenth session and approved it, as amended during consideration (see E/C.12/1998/L.2/Rev.1).

16. Owing to budgetary constraints in recent years the Committee has faced serious shortages in the staff servicing its mandate. Nevertheless, Mr. Philip Alston, Chairperson of the Committee, wished to express his deep appreciation to the Committee's secretariat which, despite such a lack of staff, has allowed the Committee efficiently to carry out its mandate.

G. Next session

17. In accordance with the established schedule, the twentieth and twenty-first sessions would take place from 26 April to 14 May 1999 and from 15 November to 3 December 1999, respectively.

H. States parties' reports scheduled for consideration by the Committee at its twentieth session

18. The Committee, at its 57th meeting on 4 December 1998, decided that the following States parties' reports would be considered at its twentieth session:

Initial reports concerning articles 1 to 15 of the Covenant

Ireland	E/1990/5/Add.34

Second periodic reports concerning articles 1 to 15 of the Covenant

Tunisia	E/1990/6/Add.14
Iceland	E/1990/6/Add.15

Third periodic reports concerning articles 1 to 15 of the Covenant

Denmark	E/1994/104/Add.15
Bulgaria	E/1994/104/Add.16

19. The Committee also decided that it would review the implementation of the provisions of the Covenant in Solomon Islands, which had not submitted any report at all since its ratification of the Covenant, on the basis of any information that might be available to the Committee.

I. Composition of the pre-sessional working group

Twentieth session

20. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Ms. M. Jiménez Butragueño, Mr. V. Kouznetsov, Mr. J. Marchán Romero, Mr. A.G. Pillay and Mr. W.M. Sadi.

Twenty-first session

21. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Ms. V. Bonoan-Dandan, Ms. M. Jiménez Butragueño, Mr. A. Grissa, Mr. V. Kouznetsov and Mr. J. Wimer Zambrano.

Chapter II

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

22. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee on Economic, Social and Cultural Rights carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

23. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its nineteen sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

24. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines 2/ with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. The Committee keeps its guidelines under review and they are updated when appropriate.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

25. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

26. The principal purpose of the working group is to identify in advance the questions which will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion. 3/

27. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

28. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

29. In preparation for the pre-sessional working group, the Committee has asked the Secretariat to place at the disposal of its members a country profile as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the Secretariat. It has also asked the Secretariat to ensure that certain types of information are regularly placed in the country files.

30. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; (d) not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

31. The Committee has requested the Secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

32. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's

> session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

33. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

34. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure is generally followed. The representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (a) raise issues outside the scope of the Covenant; (b) repeat questions already posed or answered; (c) add unduly to an already long list on a particular issue; or (d) speak more than five minutes in any one intervention. The Chairperson and/or individual members may, if necessary, intervene concisely to indicate whenever the dialogue seems to be going off on a tangent, when responses seem to be taking an unduly long time, or when answers lack the necessary focus and precision. Representatives of relevant specialized agencies and other international bodies may also be invited to contribute at any stage of the dialogue.

35. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period, the day after the conclusion of the dialogue in closed session, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the Secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and

suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

36. The concluding observations once formally adopted are usually not made public until the final day of the session, although exceptions may be made when appropriate. As soon as they are made public, they are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

37. In general, the Committee devotes three meetings (of three hours each) to its public examination of each global report (dealing with arts. 1-15). In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Deferrals of the presentation of reports

38. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

C. Procedures in relation to follow-up action

39. In situations in which the Committee considers that additional information is necessary to enable it to continue its dialogue with the State party concerned, there are several options that might be pursued:

(a) The Committee might note that specific issues should be addressed in a detailed manner in the State party's next periodic report;

(b) The Committee might take note specifically of the State party's stated intention to submit additional information in writing, particularly in response to questions posed by the members of the Committee;

(c) The Committee might specifically request that additional information, relating to matters that it would identify, be submitted to the Committee within six months, thus enabling it to be considered by the pre-sessional working group. In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(d) The Committee might determine that the receipt of additional information is urgent and request that it be provided within a given time limit (perhaps two to three months). In such a case, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party if no response is received or if the response is patently unsatisfactory.

40. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

41. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

42. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

43. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

44. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

45. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(d) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session, but not longer.

E. Day of general discussion

46. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); human rights education (eleventh session); the interpretation and practical application of the obligations incumbent on States parties (twelfth session); a draft optional protocol to the Covenant (thirteenth, fourteenth and fifteenth sessions); revision of the general guidelines for reporting (sixteenth session); the normative content of the right to food (seventeenth session); globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session); and the right to education (nineteenth session).

F. Other consultations

47. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

48. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

49. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. General comments

50. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

51. By the end of its nineteenth session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 56 global reports. This work covered a significant number of the States parties to the Covenant, which totalled 137 at the end of the nineteenth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far had illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

52. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

53. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General

Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant); General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant); General Comment No. 5 (1994) on the rights of persons with disabilities; General Comment No. 6 (1995) on the economic, social and cultural rights of older persons; General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions; General Comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights; General Comment No. 9 (1998) on domestic application of the Covenant; and General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

Chapter III

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

54. In accordance with rule 58 of its rules of procedure, the Committee, at its 57th meeting on 4 December 1998, considered the status of submission of reports under articles 16 and 17 of the Covenant.

55. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(b) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 15 July 1998 (E/C.12/1998/10);

(c) Note by the Secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/1998/12).

56. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its nineteenth session (see para. 61 below), he had received, as at 4 December 1998, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Third periodic reports of Cyprus (E/1994/104/Add.12) and Poland (E/1994/104/Add.13); initial report of Switzerland (E/1990/5/Add.33); third periodic report of Germany (E/1994/104/Add.14); second periodic report of Tunisia (E/1990/6/Add.14); third periodic reports of Denmark (E/1994/104/Add.15) and Bulgaria (E/1994/104/Add.16); initial report of Ireland (E/1990/5/Add.34); second periodic report of Iceland (E/1990/6/Add.15); initial report of Cameroon (E/1990/5/Add.35); second periodic report of Argentina (E/1990/6/Add.16); third periodic report of Canada (E/1994/104/Add.17); initial report of Armenia (E/1990/5/Add.36); third periodic report of Mexico (E/1994/104/Add.18); initial report of Georgia (E/1990/5/Add.37); third periodic reports of Italy (E/1994/104/Add.19) and Portugal (E/1994/104/Add.20); initial reports of Egypt (E/1990/5/Add.38) and Israel (E/1990/5/Add.39); second periodic reports of Jordan (E/1990/6/Add.17) and Belgium (E/1990/6/Add.18); initial report of Honduras (E/1990/5/Add.40); third periodic report of Mongolia (E/1994/104/Add.21); initial reports of Sudan (E/1990/5/Add.41) and Kyrgyzstan (E/1990/5/Add.42); third periodic report of Australia (E/1994/104/Add.22); and second periodic reports of Venezuela (E/1990/6/Add.19), Morocco (E/1990/6/Add.20) and Japan (E/1990/6/Add.21).

57. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report.

Chapter IV

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Eighteenth session

58. At its eighteenth session, the Committee examined six reports submitted by four States parties under articles 16 and 17 of the Covenant. It devoted 24 of the 28 meetings it held during the eighteenth session to the consideration of these matters.

59. The reports before the Committee at its eighteenth session were the following:

Initial reports concerning articles 1 to 15 of the Covenant

Nigeria	E/1990/5/Add.31
Sri Lanka	E/1990/5/Add.32

Second periodic reports concerning articles 1 to 15 of the Covenant

Netherlands	E/1990/6/Add.11
	E/1990/6/Add.12
	E/1990/6/Add.13

Third periodic reports concerning articles 1 to 15 of the Covenant

Poland	E/1994/104/Add.13

60. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

Nineteenth session

61. At its nineteenth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant It devoted 22 of the 29 meetings it held during the nineteenth session to the consideration of these matters.

62. The following reports were before the Committee at its nineteenth session:

Initial reports concerning articles 1 to 15 of the Covenant

Switzerland	E/1990/5/Add.33
Israel	E/1990/5/Add.39

Third periodic reports concerning articles 1 to 15 of the Covenant

Cyprus	E/1994/104/Add.12
Germany	E/1994/104/Add.14
Canada	E/1994/104/Add.17

63. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex VI to the present report.

64. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its eighteenth and nineteenth sessions.

Eighteenth session

SRI LANKA

65. The Committee considered the initial report of Sri Lanka on the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.32), together with the written replies to the list of questions, at its 3rd to 5th meetings, held on 28 and 29 April 1998 and, at its 25th meeting on 13 May 1998, adopted the following concluding observations.

A. Introduction

66. The Committee welcomes the submission of the initial report of Sri Lanka which generally conforms to its guidelines on the preparation of reports. The Committee expresses appreciation for the frank and constructive dialogue with representatives of the State party and for additional information presented during the dialogue.

B. Positive aspects

67. The Committee notes with satisfaction the desire expressed by the Government of Sri Lanka to promote the economic, social and cultural rights of its citizens in spite of the armed conflict in the country. It notes with appreciation the numerous international agencies involved in humanitarian assistance in cooperation with the Government of Sri Lanka.

68. The Committee notes with appreciation that in spite of its relatively low per capita income, Sri Lanka has achieved progress in providing essential social services including free and compulsory education for all up to the age of 16, free health care, and food subsidies and supplements for targeted vulnerable groups. This has resulted in a higher UNDP Human Development Index rating in relation to other countries in the same income group.

C. Factors and difficulties impeding the implementation of the Covenant

69. The Committee recognizes that the prolonged period of violence and conflict that has affected Sri Lanka since 1983 has hampered the realization of economic, social and cultural rights in the country. The conflict has resulted in large-scale internal displacement of people, hindered government efforts to provide essential services in the affected areas, and diverted resources from social and development objectives.

D. Principal subjects of concern

The armed conflict between the Government and the Liberation Tigers of Tamil Eelam (LTTE)

70. The Committee regrets that its dialogue with representatives of the State party regarding the root causes of the armed conflict was inconclusive; the absence in the report of statistics relating to the north and east of the country can only reinforce the view of the Committee that the question of discrimination in relation to the economic, social and cultural rights of ethnic groups remains the central issue in the armed conflict in Sri Lanka. In this regard, the Committee notes with concern that the Government's peace plan, consisting of devolution of authority to regional governments through constitutional reform, has not been implemented. Although it has been more than three years since the plan was introduced, the timetable for its implementation, as well as for a referendum to determine public acceptance, remains unclear.

71. The Committee expresses its grave concern regarding the situation of an estimated 800,000 persons displaced because of the armed conflict, many of whom have been living in temporary shelters for the past 15 years and who lack basic sanitation, education, food, clothing and health care. It is reported that Tamil families who were forced by the military to leave their ancestral villages in the Welioya region are among the displaced. The Committee is alarmed by the results of an independent survey which estimated the incidence of undernourishment of women and children living in temporary shelters to be as high as 70 per cent, and by reports that in many cases food assistance did not reach the intended beneficiaries.

Discrimination

72. The Committee notes with concern the uncertain situation of 85,000 Tamils of Indian origin living in Sri Lanka. They possess neither Indian nor Sri Lankan citizenship, have no access to basic services such as education, and do not enjoy their economic, social and cultural rights.

73. The Committee notes with concern the existence of disparities between statutory law and customary law. The age for marriage in statutory law is 18 years but girls as young as 12 years of age are able to marry under customary law, as long as the parents consent. The Committee is of the view that the practice of early marriage has negative impacts on the right to health, right to education and the right to work, particularly of the girl child. In statutory law, there is equality of inheritance among siblings while customary law discriminates against married women who, unlike married men, may not inherit family property. In allowing customary law to prevail over statutory law in this regard, the Government is not complying with its obligation to protect the rights of women against discrimination.

74. The Committee further notes with concern that existing legislation discriminates against children born out of wedlock who may inherit only from their mother. This legislation violates the rights set forth in article 10 of the Covenant.

75. The Committee expresses its deep concern at the lack of anti-discrimination mechanisms in the area of employment with regard to women and minority groups. The Committee notes that while a system of ethnic recruitment quotas is in place in the public sector, there is no effort to ensure that promotions in the public sector and employment in the private sector are free from discrimination. In particular, the concept of equal pay for work of equal value is not applied effectively in Sri Lanka, particularly in the private sector where women have no legal protection against discrimination in employment.

Women and children

76. The Committee deplores the Government's inability to implement its child labour laws effectively. Thousands of children are known to be fully employed, while thousands more are working as domestic servants in urban areas where many are mistreated, sexually abused and driven to prostitution. In addition, the Committee is deeply concerned about the sexual exploitation of Sri Lankan children by foreign tourists. The Committee regrets that detailed information on the magnitude of the problem was not provided. The Committee regrets further that the report of the State party does not provide a satisfactory indication of how serious the Government's efforts to protect the rights of these children are. The Committee notes with particular regret that more than 50 per cent of prostitutes are children.

77. The Committee notes with concern the plight of hundreds of thousands of Sri Lankan women working abroad as domestic helpers, many of them underpaid and treated as virtual slaves. The Committee regrets that the Government has not made a serious effort to assess the negative impact of this phenomenon on children who are left in vulnerable and difficult circumstances without their mothers and to take appropriate remedial measures.

78. The Committee notes that Sri Lanka not only has the second highest rate of suicide among youth in the world, but a rising incidence of drug and alcohol dependence, adolescent crime, child abuse, sexual disorders and domestic violence against women. The Committee expresses its deep regret that

the Government has failed to comply with its obligation under article 10 of the Covenant (concerning protection of the family) and article 12.

The right to an adequate standard of living

79. The Committee notes with grave concern the information from UNDP that 22 per cent of the population of Sri Lanka lives in poverty, and that many women and children are suffering from malnutrition. It also notes with grave concern the information regarding the continued acute shortages of adequate housing and construction materials for homes in need of repair. The Committee further notes the lack of updated information on the measures implemented by the Government in accordance with its obligations under article 11 of the Covenant.

Other concerns

80. The Committee also notes with concern that inadequate efforts appear to have been made by the Government to promote awareness among the women of Sri Lanka of their human rights.

81. The Committee is concerned that the Constitution does not expressly recognize the right to strike and imposes vague restrictions on the right to form trade unions, which would lead to penalties being arbitrarily imposed on workers who exercise these rights.

82. The Committee notes with concern that the current policy allowing industry-specific wage boards to determine minimum wages does not protect workers in the smaller industries which are not part of the wage board system.

83. The Committee expresses concern that the distinction contained in the current Constitution between "citizens" and "other persons" with respect to the right to equality, has not been removed from the proposed revised Constitution currently before Parliament.

84. The Committee notes with concern the uncertain situation concerning demolition of houses and illegal settlements in Sri Lanka.

E. Suggestions and recommendations

85. The Committee is fully aware of the human and material costs of the armed conflict in Sri Lanka and the deleterious effects this has on the economic, social and cultural rights of every person living in the country. In the hope of a just, speedy and peaceful solution to the war, the Committee urges the Government, as a matter of the highest priority, to negotiate the acceptance by all concerned of its proposed peace plan involving devolution of authority to regional governments. The Committee requests the State party to include in its next report detailed information on how the process of devolution of authority affects the enjoyment of economic, social and cultural rights throughout the country. In this regard, the Committee reiterates that it attaches great importance to the gathering of relevant data, disaggregated by all factors including gender, age, ethnicity and nationality, which may help identify vulnerable groups in society. The Committee requests that such data be made available to it in the next report of the State party.

86. The Committee strongly recommends that the Government establish mechanisms to facilitate the flow of humanitarian assistance and to strictly monitor and ensure that the intended recipients actually receive the assistance. In particular, the Committee urges the Government to seek further international assistance in its efforts to provide permanent housing to displaced persons who have been living in "temporary" shelters since the war began 15 years ago. It is further recommended that the Government reassess the food assistance programme already in place in affected areas with a view to improving the nutritional standards of the food provided, particularly to children and expectant and nursing mothers.

87. The Committee takes note of the Government's avowed plans to award citizenship to the 85,000 stateless Tamils living on Sri Lankan territory. The Committee requests an update regarding this situation in the next periodic report.

88. The Committee urges the State party to enforce the minimum legal age for marriage of 18 years, as well as inheritance laws affecting women, thereby superseding discriminatory customs and traditions. The Committee urges the State party to repeal all laws that discriminate against children born out of wedlock.

89. The Committee recommends that the State party adopt policies and implement relevant measures to combat discrimination in employment against women and minority groups in both the private and public sectors. Particular attention should be paid to the enjoyment by women and men of the right to equal pay for work of equal value.

90. The Committee urges the Government vigorously to enforce its child labour laws and to establish immediately a legal minimum age for work in all industries that is in accordance with international standards. In relation to the exploitation of children, the Committee strongly recommends that Sri Lankan authorities renew their efforts to seek out those who are responsible for the sexual exploitation of children and to prosecute them to the full extent of the law. The Committee encourages the Government to seek the cooperation of other Governments in bringing to justice all those who engage in the sexual exploitation of children, and international assistance to establish rehabilitation programmes to facilitate the reintegration into society of children who have been victimized.

91. The Committee strongly recommends that the Government undertake an assessment of the impact on children of the prolonged absence of their mothers working abroad with a view to educating Sri Lankan women in this regard, and to discourage women from leaving the country for employment abroad as domestic helpers, the conditions of which are often deplorable.

92. The Committee further requests that an updated report be provided on progress achieved by the Government in addressing the problems of poverty, malnutrition and lack of adequate housing.

93. The Committee recognizes that economic conditions provide a strong incentive for many adults to seek work abroad, but notes that any resulting separation of parents, and especially mothers, from their children can have

significant negative consequences, especially for the children. The Committee recommends that a study be undertaken to shed more light on the issues involved and to provide a basis for more informed decision-making in such cases.

94. The Committee has taken note that a presidential task force has been investigating the problem of suicide among the youth and has issued recommendations in this regard. The Committee requests that the report of this task force, as well as information on action pursuant to its recommendation, be made available in the next report submitted by the State party.

NIGERIA

95. The Committee considered Nigeria's initial report on the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.31) at its 6th to 8th meetings held on 29 and 30 April 1998 and, at its 24th meeting on 13 May 1998, adopted the following concluding observations.

A. Introduction

96. The Committee welcomes the presentation of Nigeria's initial report as well as the presence before the Committee of a delegation drawn from Nigeria's Permanent Mission at Geneva. The Committee regrets that no expert delegation could come from the capital and also the fact that Nigeria's initial report did not conform to the guidelines the Committee has established and that the additional information was received too late to be translated. Furthermore, the Nigerian delegation acknowledged that it was not equipped with the detailed and up-to-date facts and statistics required to satisfactorily answer the list of issues submitted by the Committee to the Nigerian Government 11 months earlier. Additional information promised by the delegation during the dialogue was never received.

B. Factors and difficulties impeding the implementation of the Covenant

97. The enjoyment of economic, social and cultural rights is hindered by the absence of the rule of law, the existence in Nigeria of military governments, the suspension of the Constitution in favour of rule by military decree and the concomitant resort to intimidation, and the negative effects of widespread corruption on the functioning of governmental institutions.

98. The Nigerian people are deprived of the necessary judicial protection of their human rights because the judiciary is undermined by "ouster clauses" attached to many military decrees as well as by the military Government's refusal to implement the judiciary's decisions.

99. The negative attitude of the Government of Nigeria with respect to the promotion and protection of human rights in general, and economic, social and cultural rights in particular, is further illustrated by its refusal to cooperate with the United Nations human rights mechanisms, in particular the Special Rapporteur of the Commission on Human Rights and the Secretary-General's fact-finding mission.

C. Positive aspects

100. The Committee welcomes the establishment of the National Human Rights Commission of Nigeria, although it notes that the powers and independence of the Commission have been the subject of criticism. The Commission has made salutary recommendations in the field of human rights and has recommended the creation of prison inspection committees. Many of the Commission's recommendations, however, have gone unheeded.

101. The Committee welcomes the establishment of a Ministry for Women's Affairs which is now responsible for the welfare of women and children. Small improvements have also been made in women's participation in the political process. Three women have been included in the current Cabinet.

102. The Committee also welcomes the establishment of the National Child Rights Implementation Committee and the preparation of a National Child Plan of Action.

103. The Committee takes note of the statement by the delegation to the effect that the Nigerian education and health sectors have, as from 1998, received more attention and larger budgetary allocations with substantial increases for infrastructure in the health and education fields.

D. Principal subjects of concern

104. The Committee notes with regret that the Special Rapporteur of the Commission on Human Rights, as noted in his report on the situation of human rights in Nigeria (E/CN.4/1998/62), has not been permitted to visit the country and that the Nigerian Government failed to heed the appeals and concerns expressed by the Secretary-General's fact-finding mission, the decisions of the African Commission on Human and Peoples' Rights and the statements of the National Human Rights Commission of Nigeria, the Commonwealth Ministerial Action Group and the International Labour Organization.

105. The Committee expresses its regret that the Nigerian authorities deemed it fit to expel an estimated 500 Chadian and other workers in inhuman and undignified circumstances, including persons with residence permits who had been legally established for many years in Nigeria and had participated in and contributed to the social security system. No adequate compensation is known to have been made to the majority of them.

106. In the light of the foregoing, and substantiated by the report of the Special Rapporteur of the Commission on Human Rights and by the latter's resolution 1998/64 of 21 April 1998 regarding the human rights situation in Nigeria, as well as by the many other reports of independent international organizations and NGOs (all the relevant material having been made available to the Nigerian delegation before and throughout the dialogue), the Committee draws the conclusion that the rule of law is absent in Nigeria, with the attendant extensive violations affecting all aspects and domains of economic, social and cultural rights in the State party.

107. The Committee is concerned about the high percentage of unemployment and underemployment among Nigerian workers, particularly agricultural workers, due to the neglect of the agricultural sector. This has led to massive migrations by agricultural workers in search of work to the cities, where they live in poverty and degrading conditions.

108. The Committee expresses its concern that women suffer discrimination in the workplace, particularly with respect to access to employment, promotion to higher positions and equal pay for work of equal value.

109. The Committee is concerned that the executive councils of the Nigeria Labour Congress (NLC), the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) were dissolved in 1994 by military decree and that military administrators have been appointed to run these trade unions since then. The Committee further notes with concern that the military Government has also decreased the number of labour unions from 42 to 29 and has prevented unions from associating with international federations of labour unions. In spite of repeated recommendations by the ILO, violations continue. In this regard, the Committee regrets that the Nigerian Government has refused to receive the visit of a direct contacts mission of the ILO to discuss these matters.

110. The Committee is greatly concerned at the fate of the NUPENG General Secretary, Frank Kokori, and the PENGASSAN General Secretary, Milton Dabibi, who have been imprisoned for four and two years respectively, without being charged or tried. The Nigerian delegation could not explain why they have not been charged or tried until now.

111. The Committee expresses its deep concern over repeated violations of the right to strike, wherein industrial action by workers seeking higher salaries have been repressed by the Government under the pretext of State security.

112. The Committee expresses its concern about the Government's policy of retrenchment aimed at dismissing up to 200,000 employees in the public sector, without adequate compensation. The Committee notes with concern that in 1997 the military Governor of the State of Kaduna issued a decree dismissing 22,000 workers of the Kaduna State civil service when they went on strike.

113. The Committee also expressed its dissatisfaction with the functioning of the inadequate social security system. The delegation indicated that the Nigerian Government does not interfere with the private sector, where most workers are now engaged. No statistics or other information were provided about the degree of enjoyment by employees of the private sector of their social security rights. Nor are there any statistics about the Government's attempts to spread the social security net to cover the majority of the unemployed poor. The National Nigerian Insurance Trust Fund does not cover all the needy. In the private sector, social security benefits are voluntary, depending on employers' whims.

114. The Committee deplores the failure of the Government of Nigeria to abolish female genital mutilation, a practice which is incompatible with the

human rights of women and in particular with the right to health. According to UNICEF, the prevalence of female genital mutilation in Nigeria is estimated to be 50 per cent of the female population.

115. The Committee condemns the continuing existence of legal provisions which permit the beating ("chastisement") of women by their husbands.

116. The Committee notes with concern that polygamy, a practice which is very often incompatible with the economic, social and cultural rights of women, is widespread in Nigeria.

117. The Committee expresses its deep concern about the rising number of homeless women and young girls, who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence.

118. Children are not much better off. Many resort to prostitution to feed themselves. The rate of school drop-outs at the primary school age is over 20 per cent. Twelve million children are estimated to hold one job or another. For those who go to school, up to 80 or more are crammed into dilapidated classrooms originally meant to take a maximum of only 40. They are the first to suffer the results of broken marriages. Nigerian law does not provide equal treatment to children born in wedlock and those born out of wedlock. Most alarming is the widespread problem of children suffering from malnutrition. Almost 30 per cent of Nigerian children suffer from malnutrition and its damaging consequences. According to UNICEF, all available evidence shows that hunger and malnutrition are widely prevalent in Nigeria.

119. The Committee is greatly disturbed that 21 per cent of the population of Nigeria live below the poverty line in spite of the country's rich natural resources. The Committee further notes with concern that due to economic and administrative mismanagement, corruption, runaway inflation and the rapid devaluation of the naira, Nigeria now ranks among the world's 20 poorest countries.

120. According to World Bank estimates at least 17 million Nigerians, many of whom are children, are undernourished. The gap is widening between the (increasing) rate of population growth and demand for food, on the one hand, and the (falling) rate of food production, on the other. Nigeria has moved from being an exporter of food items to a net importer.

121. The Committee is appalled at the great number of homeless people and notes with concern the acute housing problem in Nigeria where decent housing is scarce and relatively expensive. The urban poor, especially women and children, are forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health. Safe, treated pipe-borne water is available to about 50 per cent of urban dwellers but to only 30 per cent of rural inhabitants. In general, only 39 per cent of Nigeria's population has adequate access to clean drinking water.

122. The Committee notes with concern that gross underfunding and inadequate management of health services during the last decade had led to the rapid deterioration of health infrastructures in hospitals. The capital allocation

for health and social services in the 1996 budget was N 1.7 billion, only 3.5 per cent of all capital allocations to federal ministries. Frequently, hospital patients not only have had to buy drugs, but have also had to supply needles, syringes and suture thread, in addition to paying for bed space. As a result many Nigerian doctors have chosen to emigrate.

123. The Committee notes with alarm the extent of the devastation that oil exploration has caused to environment and the quality of life in those areas, including Ogoniland where oil has been discovered and extracted without due regard for the health and well-being of the people and their environment.

124. The Committee regrets the fact that the Government's social and health allocations are consistently diminishing and that the authorities have reintroduced primary school fees in certain States and imposed hospital charges where they did not exist before.

125. Schoolchildren often have to carry their desks and chairs from their homes to the school. According to reports by UNICEF, there has been a marked reduction in school-age children going to school as parents cannot afford to pay the new drastically increased school fees for primary and secondary school. Recent poor educational quality is due partly to little teacher attention being devoted to schoolwork because of poor salaries, leading to incessant strikes and school closures.

126. University fees increased dramatically in 1997 and students in some universities, especially in southern Nigeria, were required to pay 10 times as much as other students. In addition, satellite campuses were forced to close for no particular reason.

127. The military authorities have found intellectuals, journalists, university professors and university students to be easy targets for repression or persecution on the pretext that they constitute the most vociferous and dangerous political opposition. One of the major university campuses has been put under military guardianship. Universities have suffered repeated and long periods of closure. There is also a brain drain in academia, as a result of political and academic instability as well as the extremely low salaries of university professors.

E. Suggestions and recommendations

128. The restoration of democracy and the rule of law are prerequisites for the implementation of the International Covenant on Economic, Social and Cultural Rights in Nigeria. Elimination of the practice of governing by military decree and the strengthening of the authority of the Nigerian judiciary and the National Human Rights Commission are necessary first steps in restoring confidence in the regime's intention to reinstitute democratic civilian rule.

129. The Committee urges the Nigerian Government to open up to United Nations bodies, specialized agencies and other international organizations and to conduct constructive and transparent dialogues with them, as a necessary step towards the restoration of confidence in Nigeria's intention to implement its human rights obligations, including those under the Covenant.

130. The Committee calls upon the Government to restore a democratic political system and respect for the rule of law, which is a prerequisite for the development of a system of government which promotes full respect for economic, social and cultural rights. Respect for trade union freedoms and academic freedom should also be restored urgently.

131. The Committee urges the Government, in the strongest terms, to release trade union leaders and members, including in particular those named in paragraph 110 above, who have been imprisoned without being charged or tried. Harsh prison conditions should be alleviated and political prisoners freed and pardoned. The rights of labour unions and syndicates should be restored and respected.

132. The rights of minority and ethnic communities - including the Ogoni people - should be respected and full redress should be provided for the violations that they have suffered of the rights set forth in the Covenant.

133. The Committee calls on the Government to cease and prevent, in law and in practice, all forms of social, economic and physical violence and discrimination against women and children, especially the continuous, degrading and dangerous practice of female genital mutilation.

134. Likewise, the Nigerian Government should enact legislation and ensure by all appropriate means the protection of children against the many negative consequences ensuing from child labour, dropping out of school, malnutrition, and discrimination against children born out of wedlock.

135. The Nigerian Government should take steps to meet the targets it has accepted in relation to Education for All by the year 2000 and should enforce the right to compulsory, free primary education.

136. The Committee urges the Government to cease forthwith the massive and arbitrary evictions of people from their homes and to take such measures as are necessary to alleviate the plight of those who are arbitrarily evicted or are too poor to afford decent accommodation. In view of the acute shortage of housing, the Government should allocate adequate resources and make sustained efforts to combat this serious situation.

137. The Committee recommends that a more positive and open dialogue between the Committee and the Nigerian Government be undertaken and maintained. The Government need not wait until its next report is due in five years' time; the Committee calls upon the Government to submit a comprehensive second periodic report, prepared in conformity with the Committee's guidelines, by 1 January 2000.

138. The Committee urges the State party to disseminate the present concluding observations widely.

POLAND

139. The Committee considered the third periodic report of Poland on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.13),

along with the written replies to the list of questions, at its 10th to 12th meetings, held on 4 and 5 May 1998 and, at its 26th meeting on 14 May 1998, adopted the following concluding observations.

A. Introduction

140. The Committee welcomes the submission of the third periodic report of Poland, which it found to be comprehensive and to conform to its guidelines on the preparation of reports. The Committee also expresses appreciation for the additional information presented prior to and during the dialogue by a well-informed delegation, which enabled it to engage in a frank and constructive dialogue.

B. Positive aspects

141. The Committee notes with satisfaction the prominence accorded to economic, social and cultural rights in the new 1997 Constitution, which contains provisions protecting, inter alia, the rights freely to pursue an occupation, to safe conditions of work, to social security, to education and of housing. It welcomes the State party's expressed intention to abide by international human rights standards, including the European Social Charter. The Committee also notes with interest that Poland has no substantive objections to ratifying International Labour Organization Convention No. 97 (1949) on migration for employment (revised), No. 102 (1952) on minimum standards for social security, No. 159 (1983) on vocational rehabilitation and employment (disabled persons), and No. 176 (1995) on safety and health in mines. It further welcomes Poland's expressed intention to ratify Convention Nos. 102 and 176 and to examine the possibility of ratifying the other conventions in the near future.

142. The Committee further welcomes the status accorded to international legal instruments, including the Covenant, in Polish national law. Under the new Constitution, international treaties may be directly invoked in the courts, except for those considered not to be self-executing in nature. The Committee was assured that any provisions of the Covenant not considered to be self-executing will be adopted into domestic law and given effect in that way. It expresses satisfaction that in cases of conflict with national law, international treaties will prevail over national law.

143. The Committee welcomes the establishment and functioning of the office of the Commissioner for Citizens' Rights, who may be addressed by all persons and who appears to exercise sufficiently broad powers of investigation and application for redress from the relevant authorities. The Committee also notes that the new Constitution foresees the establishment of a Commissioner for Children's Rights. It looks forward to receiving information in the next report of the State party on the specific functions and authority entrusted to these posts, as well as on any follow-up to the decisions or recommendations of the Commissioners.

144. The Committee welcomes the success achieved during the last five years in terms of economic performance, particularly in controlling inflation, raising production and doubling the level of per capita income since 1994.

It also expresses satisfaction that the State party has sought international assistance in implementing many social programmes and modernizing government facilities.

145. The Committee welcomes the recent Action Programme for Women, which includes among its objectives the elimination of violence against women, and notes with interest the assurances offered that domestic violence will be fully addressed in the next periodic report.

146. The Committee commends the efforts of the Government to upgrade its labour market services designed to improve access to employment opportunities, to retrain workers for jobs in demand, and to provide assistance to people wishing to move from overpopulated areas to underpopulated rural areas.

C. Factors and difficulties impeding the implementation of the Covenant

147. The Committee recognizes that there are, inevitably, difficulties arising from the process of political transition to a democratic form of government, as well as problems arising from transition to a market-oriented economy.

D. Principal subjects of concern

148. With respect to the question of minorities, the Committee notes with interest the treaty concluded with Germany on the subject of the German ethnic minority in Poland by which various rights of this group were given effect, including a fixed number of seats in Parliament and the right to operate a large number of schools. The Committee notes that similar treaties were not concluded with respect to other minority groups and is concerned that such a situation may lead to perceived or actual inequalities between minorities.

149. The Committee notes that under the new Constitution, Poland is a secular State with no formal role attributed to any religious denomination. The Committee is nevertheless concerned that policies and decisions of a social nature seem to be excessively influenced by particular religious considerations and do not take adequate account of the existence of minority religious groups.

150. The Committee notes that restrictions have recently been imposed on abortions that exclude economic and social grounds for performing legal abortions. The Committee expresses its concern that because of this restriction, women in Poland are resorting to unscrupulous abortionists and risking their health in doing so. The Committee is also concerned that family planning services are not provided in the public health-care system so that women have no access to affordable contraception.

151. The Committee also expresses concern at the rising incidence of domestic violence and of trafficking of young women, as acknowledged by the Government. It notes the absence of specific regulations on sexual harassment of women, the lack of shelters for the women and children who are victims of family violence in 33 per cent of voivodships, and the apparent lack of counselling facilities for such victims.

152. The Committee expresses deep concern that the right to work is not fully enjoyed by women. It notes that the principle of equal pay for equal work is not being respected. The Committee deplores, in particular, the fact that women earn on average only 70 per cent of the wages earned by men, despite their generally higher levels of education. It also notes the existence of discriminatory practices such as job advertisements specifying the preferred gender of the employees sought and women candidates for jobs being asked to take pregnancy tests, despite the existence of legislation prohibiting such practices.

153. The Committee notes that despite the efforts of the Government referred to in paragraph 146 above, there is a high unemployment rate in the State party. The Committee is concerned over the large numbers of unemployed and underemployed persons, particularly youth in rural areas. The Committee suggests that the high unemployment figures may be partly attributable to the "grey" and "black" markets, where people work with no formal contract and pay little or no taxes and which is encouraged in large part by high employment taxes. The Committee notes that measures to deal with these situations are new and awaits information on their results in the next periodic report.

154. The Committee draws the attention of the Government to article 11, paragraph 1, of the Covenant and to its General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions. 4/ The Committee is concerned about existing legal provisions under which forced evictions may be carried out without provision for alternative lodging. The Committee also views with concern the problem of homeless people in Poland caused by the acute shortage of housing, the relatively high number of families living below the poverty line, the recent flooding and forced evictions.

155. The Committee expresses concern over the deteriorating health indicators that have been recorded during the last five years. It also draws attention to several areas of particular concern identified during the dialogue, namely, declining levels of nutrition, rising alcoholism, and increasing cardiovascular disease and cancers.

156. The Committee is concerned about the inadequate enforcement of occupational safety laws in Poland resulting in a relatively high number of accidents in the workplace, both in the private and the public sectors.

E. Suggestions and recommendations

157. The Committee recommends that special care be taken to ensure full respect for the rights of all religious groups, particularly concerning issues of national policy such as education, gender equality and health care. The Committee further recommends that the rights of all minority groups with regard to their right to participate in national political and economic life and the right to practise and teach their culture be fully respected.

158. The Committee recommends that every effort be made to ensure women's right to health, in particular reproductive health. It recommends that family

planning services be made available to all persons, including counselling on safe alternatives to contraception and reliable and informative sex education for school-age children

159. The Committee recommends that sexual harassment against women be prohibited by law. It recommends that shelters for women and children who are victims of family violence, with all necessary support facilities, including counselling and other assistance, be provided in all voivodships. It looks forward to receiving in the next periodic report detailed information on the problem of domestic violence and the results of the recently adopted Action Programme for Women.

160. The Committee recommends that the 1962 citizenship law, which discriminates against women by not granting them the same right as men to transmit citizenship to their foreign-born spouses, be abolished.

161. The Committee recommends that the right to work be fully protected for women as well as for men on the basis of equal pay for equal work. It suggests that a study be undertaken on the subject and requests that information on measures taken in this regard be contained in the next periodic report submitted by the State party.

162. The Committee urges the State party to take appropriate measures, especially increasing the number of State labour inspectors and strengthening their powers, in order to ensure that occupational safety legislation is properly implemented.

163. The Committee recommends that the conditions for permissible forced evictions be specified in law, with provisions that address the need for alternative lodging for those evicted. The Committee urges the State party to take all appropriate measures in addressing the problems of the acute housing shortage and homelessness. It further recommends that the basis for setting rental rates be determined in a way that protects the rights of both property owners and tenants, especially those among the most vulnerable groups of society. The Committee suggests that information on one's rights and responsibilities and the public and private avenues of assistance available in a market economy be provided to all consumers, in particular tenants. The Committee emphasizes that respect for the right to housing should include, when appropriate, measures to assist those whose homes are put in jeopardy or who are rendered homeless by dramatic rent increases due to the elimination of rental subsidies.

164. The Committee recommends that the State party engage in a large-scale public information campaign to promote healthy lifestyles among the Polish people in order to improve the quality of their nutrition, combat alcoholism and smoking, and reduce the risks of cardiovascular diseases and cancers. The campaign should extend to schools, where such information should be incorporated into the regular curricula.

165. The Committee urges the State party to accelerate the process of ratification of ILO Conventions Nos. 102, 176, 97 and 159. It requests that

information on that process, as well as on all points contained in these concluding observations on which information has been requested, be contained in the next periodic report submitted by the State party.

166. The Committee urges the State party to disseminate the present concluding observations widely.

NETHERLANDS

I. EUROPEAN PART OF THE KINGDOM

167. The Committee considered the second periodic report of the Netherlands (the European part of the Kingdom) on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.11) at its 13th to 17th meetings, held on 5 to 7 May 1998 and, at its 28th meeting on 15 May 1998, adopted the following concluding observations.

A. Introduction

168. The Committee thanks the Government of the Netherlands for the presentation of its report, which was in keeping with the Committee's guidelines, although it was nearly nine years late. The Committee also welcomed the written submission of full replies to its list of questions and expressed satisfaction at the open and constructive dialogue with the State party, which was represented by a delegation of experts. The Committee appreciates the high quality of the information contained in the core document (HRI/CORE/1/Add.66).

B. Positive aspects

169. The Committee recognizes the State party's long tradition of respect for human rights and that the various initiatives it has taken to guarantee these rights more securely have been included as part of this tradition.

170. The Committee notes that the Netherlands has to a considerable extent met its obligations with respect to the protection of the rights set out in the Covenant.

171. The Committee welcomes the programmes and measures adopted in the education system to eliminate discrimination against women and to address social stereotypes of women in the media.

172. The Committee welcomes very warmly the success of the campaign against racial discrimination which can be seen in particular in the fact that incidents of racial violence have disappeared.

173. The Committee also welcomes the Government's programmes to create new jobs and help the unemployed, particularly ethnic minorities, young people and persons over 50 years of age, to become part of or to become reintegrated into the labour force.

174. The Committee welcomes the Government's intention to withdraw the reservation it entered in the Covenant concerning the right to strike.

175. The Committee considers that the Government's policy of providing subsidies for the construction of places of worship for the various religions practised in the Netherlands is of considerable importance both in helping to combat discrimination and in contributing to the realization of the right to take part in cultural life.

C. Factors and difficulties impeding the implementation of the Covenant

176. The Committee notes that the structural adjustment policy adopted by the Government has lowered the standard of living of the lowest income groups. The reduction in services and subsidies previously provided by the State has had adverse effects on wages, health, social security and education. This policy has not undergone any change despite the economic growth recorded over the last four years, but the Committee notes the Government's assertion that it will continue its efforts to alleviate the damage which the policy has caused or may cause to the most vulnerable sectors of society.

D. Principal subjects of concern

177. In line with its General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), 5/ the Committee considers that, at a minimum, certain provisions of the Covenant are potentially able to be directly applied both in law and in policy. It therefore cannot accept the assertion by the representative of the State party that for essentially technical reasons the Covenant is not directly applicable.

178. The Committee is concerned by continuing discrimination against women at work. Their higher rate of unemployment, their lower position on the wage scale and their disproportionate representation in part-time work reveal that the principle of equality established by the law is not effectively enforced.

179. Racial discrimination can also be seen to exist in labour matters, contributing to some extent to unemployment among immigrants.

180. A third group which suffers from discrimination in the labour market is that of persons 55 to 65 years of age, whose unemployment rate is over 50 per cent.

181. The Committee expresses its concern at the permissive nature of labour legislation with regard to overtime, the excessive use of which may give rise to a decline in the creation of further jobs.

182. The Committee expresses its concern that the reform of the social security system may have certain adverse consequences for the most underprivileged sectors of society.

183. The Committee regrets that the statistical data on violence against women and child abuse have not been analysed and used to formulate measures to address these problems. The Committee also regrets that the lack of information on child prostitution has prevented both the Government and the Committee from appreciating the extent of this problem.

184. The Committee views with concern the living conditions of asylum seekers in some reception centres in the country.

185. The Committee wishes to express its concern at the consequences of the Tuition Fees Act which has led to a constant increase in the cost of education. Such increases are contrary to the principle of equality of opportunities between the children of rich families and children of poor families.

186. The Committee wishes to express its concern at the statement by the State party that the Government of the Netherlands is not responsible for the implementation of economic, social and cultural rights in Aruba and the Netherlands Antilles, given that Aruba and the Netherlands Antilles are equal parts of the Kingdom of the Netherlands and the Government of the Netherlands contributes every year 1.5 per cent of GNP to Aruba and the Netherlands Antilles.

E. Suggestions and recommendations

187. The Committee recommends that the Government reassess the extent to which the provisions of the Covenant might be given direct applicability within the Kingdom.

188. The Committee recommends that the Government intensify its efforts to guarantee men and women equal access to employment and equal wages for work of equal value.

189. The Government should continue its endeavours to root out racial discrimination in the labour market with a view to facilitating the integration of immigrants and their families into the national life.

190. The Committee encourages the Government to adopt measures to promote the access of persons between the ages of 55 and 65 to the labour market.

191. The Committee urges the Government to ensure that the reduction of budgetary allocations for social welfare programmes does not adversely affect the economic, social and cultural rights of the most vulnerable groups in the Netherlands, and calls upon the Government to address this issue in detail in its next periodic report.

192. The Committee notes that the Ministry of Justice is currently analysing the results of studies on violence against women and on child abuse, with a view to formulating policies and implementing measures to combat these problems. The Committee recommends that more clearly targeted policies be adopted to protect the welfare of the family. The Committee requests an update on these matters in the Government's next report.

193. The Government should take appropriate steps to alleviate or eliminate the adverse effects of the Tuition Fees Act.

194. The Committee urges the State party to ensure that it complies fully with its obligations under the Covenant as they apply to Aruba and the Netherlands Antilles.

II. ARUBA

195. The Committee also considered the second periodic report of Aruba on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.13) at its 13th to 17th meetings and, at its 28th meeting, adopted the following concluding observations.

A. Introduction

196. The Committee regrets that no delegation from Aruba was able to take part in the discussion and that the resulting dialogue therefore proved unsatisfactory, despite attempts by the delegation of the Netherlands to answer questions based on written information received from Aruba. The Committee appreciates the high quality of the information contained in the core document (HRI/CORE/1/Add.68).

B. Positive aspects

197. The Committee notes that Aruba has, generally speaking, achieved a satisfactory level of compliance with its obligations concerning the protection of the rights established in the Covenant.

198. The Committee notes with satisfaction the low rate of unemployment in Aruba.

C. Factors and difficulties impeding the implementation of the Covenant

199. The Committee considers that a major challenge facing the government in relation to the implementation of the Covenant concerns the challenges posed by the number of foreign workers in the territory.

D. Principal subjects of concern

200. The Committee regrets that none of the provisions of the Covenant may be directly invoked in the courts. This situation is inconsistent with the approach adopted by the Committee in its General Comment No. 3 (1990).

201. The Committee is concerned at the inequalities between men and women, particularly with regard to equal wages for equal work.

202. The Committee notes the slow progress of the Joint Committee for the Revision of the Civil Code, established in 1993 to do away with the anachronistic provisions embodying the inequalities between men and women.

203. The Committee expresses its concern at the fact that primary education is still not compulsory, and at the high rate of school drop-outs in Aruba.

E. Suggestions and recommendations

204. The Committee recommends that a reassessment should be made of the extent to which the provisions of the Covenant might be given direct applicability in Aruba.

205. The Committee recommends that the Government intensify its efforts to guarantee the effective implementation of equality between men and women, particularly with regard to equal wages for work of equal value.

206. The Committee recommends that the authorities abolish provisions in the country's legislation constituting any form of discrimination and that they promulgate the new Civil Code as soon as possible.

207. It also recommends that a plan of action be adopted urgently to move towards the provision of free compulsory primary education as required by article 14 of the Covenant.

208. The Committee urges the Government to intensify its efforts to address the school drop-out problem.

209. In view of the extent to which Aruba's laws and regulations are outdated, the Committee recommends that Aruba bring its laws and regulations up to date in order to ensure full compliance with the Covenant.

III. NETHERLANDS ANTILLES

210. The Committee further considered the second periodic report of the Netherlands Antilles on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.12) at its 13th to 17th meetings and, at its 28th meeting, adopted the following concluding observations.

A. Introduction

211. The Committee welcomes the participation of a government official from the Netherlands Antilles in the delegation of the State party. The Committee appreciates the high quality of the information contained in the core document (HRI/CORE/1/Add.67).

B. Positive aspects

212. The Committee notes that the Netherlands Antilles has achieved a generally satisfactory level of compliance with its obligations in respect of the protection of the rights set out in the Covenant.

213. The Committee notes also that, pursuant to the law, primary education is compulsory in all the islands of the Netherlands Antilles.

C. Factors and difficulties impeding the implementation of the Covenant

214. The Committee notes that the population of the Netherlands Antilles is dispersed over a large geographical area and that this adds another dimension to the challenge of ensuring an effective system for the implementation and promotion of economic, social and cultural rights.

D. Principal subjects of concern

215. The Committee regrets that none of the provisions of the Covenant may be directly invoked in the courts. This situation is inconsistent with the approach adopted by the Committee in its General Comment No. 3 (1990).

216. The Committee is concerned at the inequalities between men and women, particularly with respect to equal access to employment and equal wages for work of equal value.

217. The Committee expresses its concern at provisions that permit practices in matters of inheritance not governed by the principle of equity so as to benefit all those who have a legal interest in the inheritance.

218. The Committee expresses its concern at the increase in the school drop-out rate, the causes of which include the difficulties which have emerged in education due to the existence of several tongues spoken as first languages on the islands and the use of Dutch as the language of education.

219. The Committee is also concerned at the existence of three minimum wage levels in each island, since such situations may give rise to or reflect situations of discrimination.

220. The Committee views with concern the problem of the acute shortage of housing and forced evictions, and the homelessness which affects primarily the island of St. Maarten. These problems are compounded by the influx of migrants, by cyclones, and by a sharp decline in the annual expenditure dedicated to housing by the Government.

E. Suggestions and recommendations

221. The Committee recommends that the extent to which the provisions of the Covenant might be given direct applicability within the Netherlands Antilles be reassessed.

222. The Committee recommends that the Government intensify its efforts to guarantee effective equality between men and women, particularly with regard to equal access to employment and equal wages for work of equal value.

223. The Committee encourages the Government, in addressing the school drop-out problem, to expedite the implementation of its programme for education in the students' mother tongues along with the progressive introduction of Dutch. It also recommends the urgent adoption of a plan of action to move towards the provision of free compulsory primary education as required by article 14 of the Covenant.

224. The Committee urges the Government to promulgate legislation for the standardization of minimum wages throughout the islands.

225. The Committee encourages the Government to carry out its intention to withdraw its reservation to the Covenant concerning the right to strike.

226. The Committee encourages the governments of all three parts of the Kingdom of the Netherlands to circulate these concluding observations as widely as possible among all sectors of society.

Nineteenth session

ISRAEL

227. The Committee considered the initial report of Israel on the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.39), together with the written replies to the list of issues, at its 31st to 33rd meetings, held on 17 and 18 November 1998 and, at its 53rd meeting on 2 December 1998, adopted the following concluding observations.

A. Introduction

228. The Committee welcomes the submission of the initial report, which generally conforms to its guidelines on the preparation of reports. The Committee regrets, however, the delay in the submission of the report.

229. The Committee expresses appreciation for the presentation of the State's representatives and the additional information they provided during the dialogue. The Committee also takes note of the extensive information submitted to it by a large number of non-governmental organizations which was available to the Committee for its dialogue with the State party.

B. Positive factors

230. The Committee welcomes the enactment in 1995 of the National Health Insurance Law which provides for primary health care and ensures equal and adequate health services for each citizen and permanent resident of Israel. The Committee also welcomes the amendment in 1996 of the same law to enable housewives to receive the minimum old-age pension while remaining exempt from contributions.

231. The Committee welcomes the recent establishment of the Authority for the Advancement of the Status of Women which is vested with advisory powers with respect to policies to promote gender equality, eliminate discrimination against women and prevent domestic violence against women.

232. The Committee takes note of the statement by State party's representatives that with respect to the Covenant's applicability in the occupied territories, Israel accepts direct responsibility in some areas covered by the Covenant, indirect responsibility in other areas and overall significant legal responsibility across the board. This conforms to the Committee's view that the Covenant applies to all areas where Israel maintains geographical, functional or personal jurisdiction.

C. Factors and difficulties affecting the implementation of the Covenant

233. The Committee notes that Israel's emphasis on its security concerns, including its policies on closures, has hampered the realization of economic, social and cultural rights within Israel and the occupied territories.

D. Principal subjects of concern

Land and people

234. The Committee notes with concern that the Government's written and oral reports included statistics indicating the enjoyment of the rights enshrined in the Covenant by Israeli settlers in the occupied territories but that the Palestinian population within the same jurisdictional areas were excluded from both the report and the protection of the Covenant. The Committee is of the view that the State's obligations under the Covenant apply to all territories and populations under its effective control. The Committee therefore regrets that the State party was not prepared to provide adequate information in relation to the occupied territories.

Status of the Covenant

235. The Committee notes that economic, social and cultural rights have not been granted constitutional recognition in Israel's legal system. The Committee is of the view that the current Draft Basic Law: Social Rights does not meet the requirements of Israel's obligations under the Covenant.

Discrimination

236. The Committee expresses concern that excessive emphasis upon the State as a "Jewish State" encourages discrimination and accords a second-class status to its non-Jewish citizens. The Committee notes with concern that the Government of Israel does not accord equal rights to its Arab citizens, although they comprise over 19 per cent of the total population. This discriminatory attitude is apparent in the lower standard of living of Israeli Arabs as a result, inter alia, of lack of access to housing, water, electricity and health care and their lower level of education. The Committee also notes with concern that despite the fact that the Arabic language has official status in law, it is not given equal importance in practice.

237. The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies constitute an institutionalized form of discrimination

because these agencies by definition would deny the use of these properties to non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.

238. The Committee notes with deep concern the situation of the Jahalin Bedouin families who were forcibly evicted from their ancestral lands to make way for the expansion of the Ma'aleh Adumim and Keidar settlements. The Committee deplores the manner in which the Government of Israel has housed these families - in steel container vans in a garbage dump in Abu Dis in subhuman living conditions. The Committee regrets that instead of providing assurances that this matter will be resolved, the State party has insisted that it can only be solved through litigation.

239. The Committee notes with concern that the Law of Return, which allows any Jew from anywhere in the world to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements which make it almost impossible to return to their land of birth.

Employment

240. The Committee notes with concern the rapid growth of unemployment in Israel as a result of which more and more workers are employed in low-paying part-time work where they have little or no legal protection.

241. The Committee notes with regret that more than 72 per cent of persons with disabilities are unemployed. The new Law of Equality for People with Disabilities 1998 has not set any quota for the employment of such persons.

242. The Committee is alarmed that only half of the workers entitled to the minimum wage actually get it, and that foreign workers, Palestinians and "manpower contractor" workers are particularly vulnerable in this regard.

Closure

243. The Committee regrets that the Government of Israel has maintained "general closures" continuously since 1993, thereby restricting and controlling the movement of people and goods between Israel and the West Bank and the Gaza Strip, between Jerusalem and the West Bank and between the West Bank and the Gaza Strip. The Committee notes with concern that these restrictions apply only to Palestinians and not to Jewish Israeli citizens. The Committee is of the view that closures have cut off Palestinians from their own land and resources, resulting in widespread violations of their economic, social and cultural rights, including in particular those contained in article 1, paragraph 2, of the Covenant.

244. The Committee notes with grave concern the severe consequences of closure on the Palestinian population. Closures have prevented access to health care, first and foremost during medical emergencies, which at times have tragically ended in death at checkpoints and elsewhere. Workers from the occupied territories are prevented from reaching their workplaces, depriving them of income and livelihood and the enjoyment of their rights under the

Covenant. Poverty and lack of food aggravated by closures particularly affect children, pregnant women and the elderly who are most vulnerable to malnutrition.

245. The Committee is concerned at the forcible separation of Palestinian families because of closures and the refusal of Israeli authorities to allow students in Gaza to return to their universities in the West Bank.

Permanent residency law

246. The Committee expresses its concern at the effect of the directive of the Ministry of the Interior, according to which Palestinians may lose their right to live in the city if they cannot prove that East Jerusalem has been their "centre of life" for the past seven years. The Committee also regrets a serious lack of transparency in the application of the directive, as indicated by numerous reports. The Committee notes with concern that this policy is being applied retroactively both to Palestinians who live abroad and to those who live in the West Bank or in nearby Jerusalem suburbs, but not to Israeli Jews or to foreign Jews who are permanent residents of East Jerusalem. This system has resulted in, inter alia, the separation of Arab families and the denial of their right to social services and health care, including maternity care for Arab women, which are privileges linked to residency status in Jerusalem. The Committee is deeply concerned that the implementation of a quota system for the reunification of Palestinian families affected by this residency law involves long delays and does not meet the needs of all divided families. Similarly, the granting of residency status is often a long process and, as a result, many children are separated from at least one of their parents and spouses are not able to live together.

Land use and housing

247. The Committee is deeply concerned about the adverse impact of the growing exclusion faced by Palestinians in East Jerusalem from the enjoyment of their economic, social and cultural rights. The Committee is also concerned over the continued Israeli policies of building settlements to expand the boundaries of East Jerusalem and of transferring Jewish residents into East Jerusalem with the result that they now outnumber the Palestinian residents.

248. The Committee deplores the continuing practices of the Government of Israel of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies which result in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city.

249. The Committee notes with concern the situation of Arab neighbourhoods in mixed cities such as Jaffa and Lod which have deteriorated into virtual slums because of Israel's excessively restrictive system of granting government permits without which it is illegal to undertake any kind of structural repair or renovation.

250. The Committee notes that despite State party's obligation under article 11 of the Covenant, the Government of Israel continues to expropriate Palestinian lands and resources for the expansion of Israeli settlements. Thousands of dunams (1 dunam equals 1,000 square metres) of land in the West Bank have recently been confiscated to build 20 new bypass roads which cut West Bank towns off from outlying villages and farmlands. The consequence - if not the motivation - is the fragmentation and isolation of the Palestinian communities and facilitation of the expansion of illegal settlements. The Committee also notes with concern that while the Government annually diverts millions of cubic metres of water from the West Bank's Eastern Aquifer Basin, the annual per capita consumption allocation for Palestinians is only 125 cubic metres while settlers are allocated 1,000 cubic metres per capita.

251. The Committee expresses its concern over the plight of an estimated 200,000 uprooted "present absentees", Palestinian Arab citizens of Israel most of whom were forced to leave their villages during the 1948 war on the understanding that they would be allowed by the Government of Israel to return after the war. Although a few have been given back their property, the vast majority continue to be displaced and dispossessed within the State because their lands were confiscated and not returned to them.

Unrecognized villages

252. The Committee notes with deep concern that a significant proportion of Palestinian Arab citizens of Israel continue to live in unrecognized villages without access to water, electricity, sanitation and roads. Such an existence has caused extreme difficulties for the villagers in regard to their access to health care, education and employment opportunities. In addition, these villagers are continuously threatened with demolition of their home and confiscation of their land. The Committee regrets the inordinate delay in the provision of essential services to even the few villages that have been recognized. In this connection, the Committee takes note that while Jewish settlements are constructed on a regular basis, no new Arab villages have been built in the Galilee.

253. The Committee regrets that the Regional Master Plan for the Northern District of Israel and the Plan for the Negev have projected a future where there is little place for Arab citizens of Israel whose needs arising from natural demographic growth are largely ignored.

254. The Committee expresses its grave concern about the situation of the Bedouin Palestinians settled in Israel. The number of Bedouins living below the poverty line, their living and housing conditions, their levels of malnutrition, unemployment and infant mortality are all significantly higher than the national averages. They have no access to water, electricity and sanitation and are subjected on a regular basis to land confiscations, house demolitions, fines for building "illegally", destruction of agricultural fields and trees, and systematic harassment and persecution by the Green Patrol. The Committee notes in particular that the Government's policy of settling Bedouins in seven "townships" has caused high levels of unemployment and loss of livelihood.

Other concerns

255. The Committee notes with regret the large gaps within the Israeli educational system. Drop-out rates are higher and eligibility for matriculation certificates is lower within certain segments of society: Arabs and Jews in poor neighbourhoods and in development towns, where many of the residents are Jews of Asian and African origin, including Ethiopian Jews. The Committee is particularly concerned about the gap in educational expenditure per capita for the Arab sector which is substantially less than for the Jewish sector.

256. The Committee notes with concern that the recently adopted Arrangements Law has the effect of eroding the principles of universality and equality set out in the National Health Insurance Law. The Arrangements Law imposes payments for medical services in addition to the health tax; a periodic health tax links the amount of tax required to the amount of health services needed, thereby increasing inequality in health care. In spite of assurances that the Knesset sets a cap on such taxes, the Committee is concerned that this provision does not conform to the Government's avowed commitment to an equitable health-care system.

257. The Committee notes with grave concern the high incidence of domestic violence against women which is estimated at 200,000 cases per year. The Committee is concerned about the situation of non-Jewish women who are reportedly worse off in terms of living conditions, health and education. The Committee is concerned at persistent reports that the Dimona nuclear plant could pose a serious threat to the right to health and to the environment unless urgent preventive measures are undertaken.

E. Suggestions and recommendations

258. The Committee requests the State party to provide additional information on the realization of economic, social and cultural rights in the occupied territories, in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations. Detailed information, including the latest statistical data, is also requested on the progressive realization of economic, social and cultural rights in East Jerusalem, keeping in mind the concerns raised by the Committee in the relevant paragraphs of these concluding observations. In addition, the Committee also requests updated information on the target dates for recognizing unrecognized villages and a plan for the delivery of basic services, including water, electricity, access roads, health care and primary education, to which the villagers are entitled as citizens of Israel. The Committee requests that the additional information also include an update of the Outline Plan of Ein Hod and on progress in the recognition of Arab El-Na'im, as well as an update on the Jahalin Bedouins who are presently camped in Abu Dis awaiting a court decision on their resettlement. The Committee requests the submission of the detailed additional information in this respect in time for the twenty-third session of the Committee in November-December 2000.

259. The Committee calls upon the State party to undertake the necessary steps to ensure the full legal application of the Covenant within the domestic legal order.

260. The Committee calls upon the State party to ensure equality of treatment of all Israeli citizens in relation to all Covenant rights.

261. The Committee urges the State party to review the status of its relationship with the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, with a view to remedying the problems identified in paragraph 237 above.

262. In order to ensure respect of article 1, paragraph 2, of the Covenant and to ensure equality of treatment and non-discrimination, the Committee strongly recommends a review of re-entry policies for Palestinians who wish to re-establish their domicile in their homeland, with a view to bringing such policies level with the Law of Return as applied to Jews.

263. The Committee calls upon the State party to take all necessary steps to reduce unemployment and to ensure proper enforcement of Israel's protective labour legislation, including assigning additional personnel to enforce such legislation. Special attention should be accorded to enforcing the Minimum Wage Law, the Equal Pay for Men and Women Law, and the Equal Opportunities in Employment Law.

264. The Committee calls upon the State party to complete the process of implementing the Law of Equality for People with Disabilities and to address the problem of accessibility to public buildings, including schools, and public transportation by persons with disabilities.

265. The Committee urges the State party to respect the right to self-determination as recognized in article 1, paragraph 2, of the Covenant, which provides that "in no case may a people be deprived of its own means of subsistence". Closure restricts the movement of people and goods, cutting off access to external markets and to income derived from employment and livelihood. The Committee also calls upon the Government to give full effect to its obligations under the Covenant and, as a matter of the highest priority, to undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, the safe conduct of students and teachers to and from schools, and the reunification of families separated by closures.

266. The Committee calls upon the State party to reassess its Permanent Residency Law with a view to ensuring that its implementation does not result in impeding the enjoyment of economic, social and cultural rights by Palestinians in East Jerusalem. In particular, the Committee urges the State party to remove the quota system currently in place so that families separated by residency rules can be reunited without delay.

267. The Committee calls upon the State party to cease the practices of facilitating the building of illegal settlements and constructing bypass roads, expropriating land, water and resources, demolishing houses and arbitrary evictions. The Committee urges the State party immediately to take steps to respect and implement the right to an adequate standard of living, including housing, of the Palestinian residents of East Jerusalem and the Palestinian Arabs in the mixed cities. The Committee strongly recommends equal access to housing and settlement on State land for the "present

absentees" who are citizens of Israel. The Committee recalls in this connection its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant). 6/

268. The Committee urges the State party to recognize the existing Arab Bedouin villages, the land rights of the inhabitants and their right to basic services, including water.

269. The Committee calls upon the State party to undertake measures addressing the inequalities in the educational system at the secondary and university levels, particularly in terms of budget allocations. The Committee recommends that a study be made of the viability of establishing an Arab university within Israel for the purpose of ensuring equal opportunities and access to higher education in the respective official languages.

270. The Committee urges the State party to adopt effective measures to combat domestic violence against women and to promote equal treatment of women in the field of employment, including in the Government and in education and health.

271. The Committee requests the State party to ensure the wide dissemination in Israel of these concluding observations.

272. The Committee reiterates that the additional information requested in these concluding observations should be submitted in time for the twenty-third session of the Committee in November-December 2000.

CYPRUS

273. The Committee considered the third periodic report of Cyprus on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.12), along with the written replies to the list of issues, at its 34th to 36th meetings, held on 18 and 19 November 1998 and, at its 55th meeting on 3 December 1998, adopted the following concluding observations.

A. Introduction

274. The Committee welcomes the submission of the third periodic report of Cyprus, which it found to conform generally to its guidelines on the preparation of reports. The Committee also expresses appreciation for the submission of comprehensive written replies to its list of issues, as well as for the additional information presented by the delegation during the dialogue. It regrets, however, that the report did not contain sufficient information on obstacles and problems faced in the implementation of the Covenant.

B. Positive aspects

275. The Committee welcomes the status accorded to international legal instruments, including the Covenant, in the legal order and appreciates the fact that they are superior to national law in the legal hierarchy. It notes that the provisions of the Covenant can be invoked directly by individuals before the courts.

276. The Committee commends the efforts of the Government in continuing to provide services, such as electricity supply and payment of pension benefits, to the population living in the part of the island that it does not control.

277. The Committee welcomes the recent establishment of the National Institution for Human Rights as an independent body consisting of members appointed from the public and private sectors. The Committee notes, however, that the Institution has not been formally promulgated in law and that its independence has not been guaranteed.

278. The Committee takes note, with satisfaction, of the efforts to include human rights in school and university curricula, as well as the activities being carried out in the country to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights.

279. The Committee welcomes the abrogation of the provisions of the Penal Code criminalizing homosexual acts.

280. The Committee also takes note with satisfaction of the delegation's statement that the report has been widely publicized among governmental and non-governmental bodies.

281. The Committee welcomes the appointment of an advisory committee for the purpose of preventing violence in the family and for providing subsidies to the non-governmental organization Association for the Prevention and Confrontation of Domestic Violence.

C. Factors and difficulties impeding the implementation of the Covenant

282. The continuing partition of Cyprus hinders the ability of the State party to exercise control over its entire territory and, consequently, to ensure the implementation of the Covenant throughout the country.

D. Principal subjects of concern

283. The Committee is concerned that no information is available on the enjoyment of economic, social and cultural rights by the Cypriot population living in the area that is not controlled by the Government.

284. The Committee is concerned at the continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated). This appears to be caused by structural and cultural factors.

285. Domestic workers enjoy little protection against being forced to work unduly long hours. The State party appears not to provide adequate protection against repressive and exploitative measures directed at prostitutes. Such persons are particularly vulnerable because of their fear of retribution from their employers. Moreover, the Committee notes the tendency of the State party to underestimate the problems.

286. The Committee notes with concern that the legal minimum wage does not guarantee an adequate standard of living in the sense of article 7, paragraph (a) (ii) and article 11 of the Covenant, especially with regard to shop assistants, nurses, clerks and nursery assistants.

287. The Committee expresses its serious concern at the incidence of domestic violence against women and children in Cypriot society. The continuation of this situation calls into question whether the State party has made its best efforts to comply with its obligations under articles 10 and 12 of the Covenant. In particular, the Government appears to have failed to adopt an adequate prevention policy, to enforce fully the existing legislative measures to combat violence in the family and to assist victims of such violence.

288. The Committee is alarmed by the allegations of inhuman or degrading treatment of mentally ill patients in some health institutions. It stresses that such a situation constitutes a serious violation of the State Party's obligations under articles 2 and 12.

289. The Committee further notes that there are many bills and other measures concerning economic, social and cultural rights which are awaiting parliamentary or Cabinet approval, or implementation by other official bodies, and calls upon the State party to speed the process up in order to meet obligations existing under the Covenant.

E. Suggestions and recommendations

290. The Committee recommends that the recently established National Institution for Human Rights be promptly promulgated in law and that its independence be guaranteed.

291. The Committee recommends that the State party intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, in particular:

(a) By engaging in a large-scale public awareness campaign to eradicate social prejudices concerning gender roles;

(b) By taking all necessary steps to guarantee fully the principle of equal pay for work of equal value, in particular in the private sector of the economy;

(c) By promulgating the draft regulations concerning the employment and working conditions of pregnant women and nursing mothers and ensuring that they comply with the Covenant;

(d) By abrogating the discriminatory provisions of the social security legislation;

(e) By enacting the bill aimed at abolishing discrimination in the acquisition and transmission of nationality.

292. The Committee urges the State party to take all the necessary steps to improve understanding of the nature and scope of the problems faced by domestic workers, with a view to implementing fully existing laws. The Committee emphasizes the necessity:

(a) To initiate campaigns to raise awareness of this issue among trade unions, women's organizations and communities in Cyprus to which the domestic workers belong;

(b) To improve the system of complaints concerning abuse, with a view to protecting fully the rights of complainants.

293. The Committee also urges the State party to monitor more closely the phenomenon of forced prostitution in Cyprus, with a view to rescuing victims who are trapped or forced into it and to protecting their rights under the Covenant.

294. The Committee recommends that the State Party endeavour to take steps to review the existing minimum wage level, in order fully to comply with its obligations under article 11 of the Covenant.

295. The Committee recommends that the State party adopt an appropriate policy to prevent and tackle the problem of domestic violence against women and children in all its complexity and requests that the next periodic report contain information on measures adopted to deal with it. In this connection, the Committee urges the State party to financially assist the Association for the Prevention and Confrontation of Domestic Violence to set up, as soon as possible, its proposed women's shelter.

296. While taking note of the delegation's statement that the situation as regards the treatment of mentally ill people has improved dramatically, the Committee emphasizes the need for the State party to review thoroughly its health policy towards those patients in order best to address all their needs and protect all their human rights.

297. The Committee requests the State party to include in its next periodic report comprehensive information on the extent of drug-addiction in Cyprus and to indicate whether the bill on narcotic drugs and psychotropic substances now before Parliament has been passed into law, and also to assess the workings of the anti-narcotic/therapeutic units proposed under the bill, when it has passed into law.

298. The Committee recommends that bills and proposed regulations should be speedily submitted for parliamentary or Cabinet approval, in order to enhance effective application of the Covenant. Such bills and proposals include:

(a) The proposed law relating to marriage, divorce and family courts;

(b) A bill to regulate the rights of asylum seekers;

(c) A bill to amend the relevant law with respect to the nationality of a child born to a Cypriot woman;

(d) A draft law to regulate the right to strike, to ensure that it conforms fully with ILO Convention No. 87 (1948) concerning freedom of association and protection of the right to organize;

(e) A bill entitled "National Health System" which has been before the Cabinet for approval since 1996.

299. Lastly, the Committee requests the State party to ensure the wide dissemination in Cyprus of the present concluding observations and to inform the Committee, in its fourth periodic report, of steps taken to implement the recommendations.

GERMANY

300. The Committee considered the third periodic report of Germany on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.14), together with the written replies to the list of issues, at its 40th to 42nd meetings, held on 23 and 24 November 1998, and, at its 54th meeting on 2 December 1998, adopted the following concluding observations.

A. Introduction

301. The Committee welcomes the submission of the third periodic report, the first report on the rights protected under the Covenant since the reunification of Germany in October 1990. The report was submitted in general conformity with the guidelines established by the Committee.

302. The Committee notes with appreciation that the report was presented by a high-level delegation, which entertained an open and straightforward dialogue with the members of the Committee. The delegation pointed out at the outset that the new Government of Chancellor Schröder had a different agenda from that of the former Government on a wide range of socio-economic issues, and that it accorded high priority to job creation.

303. The Committee notes that the report was prepared without the involvement of non-governmental organizations. Their contributions were nevertheless valuable to the Committee for the consideration of the State party's report.

304. The Committee notes that some of the replies given to questions raised in the following areas lacked precision and detail:

(a) Unemployment in the new Länder;

(b) The number of civil servants and professionals who were dismissed from their posts in East Germany after the reunification of Germany;

(c) The number of poverty-stricken people and social security recipients;

(d) HIV/AIDS victims, the exploitation of women and child abuse;

(e) Pension plans.

B. Positive aspects

305. The Committee welcomes the very positive attitude demonstrated by the delegation in its introductory statements, which, together with the policy statement made by the new Chancellor, on 10 November 1998, leads the Committee to believe that the new Government intends to give added impetus to the implementation of economic, social and cultural rights.

306. In this connection, a visible shift in policy, reflected in the new policy statement, could lead to the progressive realization of economic, social and cultural rights to a fuller extent and could reduce the still-existing economic gap between the old and new Länder, to the particular benefit of the new Länder.

307. The Committee notes with satisfaction that this policy will encompass:

(a) Education and training programmes to assist young people in general and young women in particular in finding employment, especially in the new Länder;

(b) Modernization of the law on nationality to allow for dual nationality;

(c) The elaboration of an action plan aimed at ensuring equal opportunities to women at work;

(d) The promulgation of the Gender Equality Act;

(e) The creation of school and child-care systems that reflect the needs of family life;

(f) The introduction of bills aimed at eliminating discrimination based on ethnic origin and at prosecuting Germans for child sexual abuse they commit abroad;

(g) The reform of the pension system based on the national insurance scheme, company pension schemes and a private pension scheme;

(h) The participation of employees in their companies' productive capital and profits;

(i) The reintroduction of protective measures against dismissals, as well as the payment of sickness allowances.

308. The Committee notes the creation of the post of Minister of State for Cultural Affairs, who will be responsible for implementing the federal cultural policy and for liaising with the Länder. In this connection, the Committee notes with satisfaction that cooperation with churches and religious communities will be part of that policy, which is intended to enhance the dialogue between different religious communities and to reduce racial hatred and xenophobia.

309. The Committee takes note of the State Party's intention to establish an independent parliamentary human rights commission and to create a human rights post within the Foreign Ministry.

310. The Committee welcomes the fact that the State Party is open-minded concerning the elaboration of an optional protocol.

C. Factors and difficulties impeding the implementation of the Covenant

311. The integration of eastern and western Germany remains only partly accomplished, despite determined efforts to realize this objective. This lack of full integration presents an obstacle to the full implementation of the Covenant by the State party.

D. Principal subjects of concern

312. The Committee expresses its concern about the status of the Covenant within the domestic legal system of Germany and at the lack of court decisions on the application of the Covenant.

313. The Committee notes that unemployment is still particularly high in Germany and that it is twice as high in the East as in the West. In this connection, the Committee notes with regret that women and foreigners are most affected by this high level of unemployment.

314. The Committee also notes that no poverty line or threshold has yet been established. Nor has the delegation of the State party provided information about people affected by poverty.

315. The Committee also notes with alarm that only 12 per cent of public servants in the science and technology sector of the former German Democratic Republic, including teachers, scientists and professionals, have been re-employed and that the rest remain without employment or adequate compensation or a satisfactory pension plan. The Committee fears that the majority of the affected people may have been dismissed from their positions for political rather than for professional or economic reasons, in violation of article 2, paragraph 2, of the Covenant. It is noted in this connection that the issue of discrimination in the employment of teachers in the new Länder was raised in 1993 by the ILO Committee of Experts on the Application of Conventions and Recommendations. Similar concerns have been raised by German non-governmental organizations.

316. The Committee is also concerned about the status of asylum seekers in Germany, especially with regard to the length of time taken to process their application for refugee status and with regard to their economic and health rights pending the final decision.

317. The Committee is further concerned about the plight of the Sinti and Roma (Gypsies) in Germany and about their enjoyment of their rights to housing, education and employment. The continued discrimination against the Gypsies calls for immediate remedial policies and measures.

318. The Committee notes that with few exceptions civil servants in Germany do not enjoy the right to strike, which constitutes a violation of article 8, paragraph 2, of the Covenant.

319. The Committee is particularly concerned about violence against women, especially those who fall victim to marriage trafficking, trafficking for prostitution and exploitation. Statistics are lacking on the number of persons affected.

320. The Committee is alarmed at the continued abuse of children and their sexual exploitation. Widespread pornography is of particular concern as it seems to be linked with the exploitation of children and women.

321. The Committee notes with concern that tuition fees for university education are increasing, despite the fact that article 13 of the Covenant calls for the progressive introduction of free higher education.

322. The alarming number of persons affected by HIV/AIDS in the territory of the State party also causes concern to the Committee. Lack of statistics on the subject, especially with regard to the most vulnerable groups of people residing in Germany, is of special concern.

323. The Committee also expresses its concern about the plight of homeless people, the actual number of whom is still unknown, as well as about the plight of squatters in many parts of the country, especially in the new Länder.

E. Suggestions and recommendations

324. The Committee recommends that the State party give more prominence to the rights recognized in the Covenant whether by legislative or by judicial means and/or practices. The policy statement of the new Chancellor presents the hope that economic, social and cultural rights will be elevated to new heights. The Committee recommends, therefore, that this new policy be translated into deeds as soon as possible.

325. The Committee requests the State party to provide in its next report more precise statistics and data regarding unemployment, especially in the new Länder, and the number and situation of poverty-stricken people and social security recipients.

326. The Committee strongly recommends that the State party promote discussion within German society on social indicators or benchmarks for the implementation of the Covenant. It also encourages the Government to continue to support the dialogue on the elaboration of an optional protocol to the Covenant in order to lend greater support to the realization of economic, social and cultural rights.

327. The Committee requests the State party to take immediate measures, legislative or otherwise, to address and redress the situation of the various categories of asylum seekers, in accordance with General Comment No. 4 (1991) concerning the right to adequate housing (art. 11, para. 1, of the

Covenant). 6/ It also suggests that the applications of asylum seekers be processed expeditiously and that refugees be accorded health, economic and educational rights in accordance with the Covenant.

328. The Committee urges the State party to implement the various educational programmes for young people and other vulnerable groups, especially those intended to create employment and to improve the level of employment in eastern Germany.

329. Pension plans and social security benefits need thorough revision to ensure gender equality and fairness among all eligible beneficiaries in all the Länder, in the East and in the West.

330. The Committee recommends that civil servants not involved in essential services be accorded the right to strike.

331. The Committee calls on the State party to take affirmative and effective measures against trafficking in women and their exploitation for whatever purpose.

332. The Committee also calls on the State party to take effective measures to regulate child labour, in compliance with the Covenant and the relevant ILO conventions.

333. The Committee further calls on the State party to make increased efforts to prevent child abuse, child exploitation and child pornography.

334. The Committee urges the State party to provide more adequate assistance to persons within HIV/AIDS, without any discrimination on the basis of race, origin, nationality or gender.

335. As an act of national reconciliation, the Committee calls on the State party to ensure that compensation will be provided to civil servants, professionals and scientists associated with the old regime in the former German Democratic Republic and to ensure that such compensation is both adequate and fair.

336. The Committee recommends that the State party avoid increases in university tuition fees, in compliance with article 13 of the Covenant.

337. The Committee urges the State party to accelerate the integration of eastern and western Germany on all fronts, with a view to reducing the gap that may still exist between them.

338. The Committee requests the State party to disseminate widely its concluding observations at all levels of society and to inform the Committee of steps taken for their implementation. It also urges the Government to consult with non-governmental organizations in the preparation of its fourth periodic report, as German non-governmental organizations have made a valuable contribution to making the Committee's dialogue with the State party delegation a more fruitful and significant one.

SWITZERLAND

339. The Committee considered the initial report of Switzerland on the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.33) at its 37th to 39th meetings, held on 20 and 23 November 1998 and, at its 55th meeting on 3 December 1998, adopted the following concluding observations.

A. Introduction

340. The Committee notes that the report submitted by the State party has been prepared in accordance with the Committee's guidelines. It welcomes the presence of a large and high-level delegation from the capital and notes that the very high quality of the dialogue was enhanced by the presence of a specialist to deal with virtually every article of the Covenant.

341. The Committee greatly appreciates the Swiss delegation's frank, detailed replies to all its questions, which enabled it to gain an overall idea of the way in which Switzerland is discharging its obligations under the Covenant.

B. Positive aspects

342. The Committee notes with satisfaction that the Covenant has begun to be accepted as an integral part of the Swiss legal system. It notes that the Swiss courts, and notably the Federal Tribunal, have already on some occasions referred to the provisions of the Covenant. In this respect, the Committee notes with satisfaction that the decisions of the Federal Tribunal seem to have remedied somewhat the shortcomings of the Federal Constitution regarding articles 9, 11 and 12 of the Covenant.

343. The Committee expresses its appreciation of the range and quality of the services provided to the population as a whole, in particular social benefits for elderly persons and the disabled.

344. The Committee notes the large number of foreigners residing in the State party and welcomes the measures taken by the authorities to ensure the enjoyment of their economic, social and cultural rights.

345. The Committee also notes the efforts made by the Government of Switzerland to integrate foreign workers and their families.

C. Factors and difficulties impeding the implementation of the Covenant

346. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Switzerland.

D. Principal subjects of concern

347. The Committee recognizes that the State party's federal structure requires that certain rights be provided for by the cantons, nevertheless it

reaffirms the Committee's position that it is the legal responsibility of the Federal Government to ensure the implementation of the Covenant.

348. The Committee disagrees with the position of the State party that provisions of the Covenant constitute principles and programmatic objectives rather than legal obligations, and that consequently the provisions of the Covenant cannot be given legislative effect. The Committee does not share the view of the Swiss authorities and recalls that in its General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), 5/ it refers to a number of provisions in the Covenant, such as those of article 8 on the right to strike and those of article 13 on the right to education, which seem to be capable of immediate application within the judicial system. The Committee is of the view that any suggestion that the above-mentioned provisions are inherently non-self-executing seems to be difficult to sustain.

349. The Committee expresses concern at the situation in the State party where certain Covenant rights are not constitutionally recognized, i.e. the right to work, to education and to culture. In the Committee's view, the freedom to exercise a lucrative activity is not synonymous or co-terminous with the right to work. In this respect, the Committee regrets that implementation of these rights has to be sought by individuals before the Courts, whereas they should be constitutionally recognized.

350. The Committee notes that despite the high level of development reached by Switzerland and the strength of its economy, there exist unacceptable levels of poverty among certain segments of the population, in particular among women.

351. The Committee, while noting that draft legislation concerning the right to strike by civil servants is to be put to popular vote, regrets that this right still remains restricted for civil servants. The Committee further notes with concern that the reform of the statute on civil servants currently under way providing for the privatization of certain public services at the federal, cantonal and communal levels might infringe upon the acquired rights of civil servants, as recognized under the Covenant.

352. The Committee is concerned at the non-ratification by the State party of ILO Conventions Nos. 98 (1949) concerning the application of the principles of the right to organize and to bargain collectively and 174 (1993) concerning the prevention of major industrial accidents.

353. The Committee notes that, despite the constitutionalization of the right to maternity benefits, the Parliament has not yet recognized this right. This does not, in the Committee's view, satisfy the requirements of article 10 that pregnant women should be entitled to adequate social security benefits.

354. The Committee takes the view that despite the existence of legislation providing protection against discrimination, de facto discrimination against women and ethnic minorities continues to exist.

355. The Committee notes with concern that, in many areas, such as access to higher education, access to posts of responsibility and equal remuneration for work of equal value, equality between men and women has not yet been achieved in practice.

356. The Committee regrets the relatively high proportion of women in lower paid jobs and among part-time and "on-call" workers, and also the comparatively low proportion of women in higher education.

357. The Committee notes with concern the high incidence of domestic violence against women, which the State party has estimated at 110,000 cases per year. It regrets that the lack of more detailed statistics has not allowed the Committee to obtain a clear picture of the situation in the State party in this respect.

358. The Committee also regrets that the available statistical data on violence against women and child abuse, including paedophilia, have not been analysed and used to formulate measures to address these problems. It regrets that this lack of information has prevented both the Government and the Committee from appreciating the extent of these problems.

359. The Committee is concerned that the State party's report lacks any information on the mental health of the population as a whole and on the health of mental patients in particular.

360. The Committee regrets the silence of the report on abortion and the incidence of diseases particular to women.

361. The Committee expresses its concern that the ongoing reform of the social security system may have adverse consequences for the underprivileged sectors of society.

362. The Committee notes with concern the high costs of health services in Switzerland that are administered by private companies, which must be paid for in full by both workers and pensioners, to the consequential detriment of their standard of living.

E. Suggestions and recommendations

363. The Committee suggests that the State party take appropriate steps to give full legal effect to the Covenant, so that the rights covered by it may be fully integrated into the legal system.

364. The Committee recommends that the cantonal laws should be further harmonized, to ensure due respect for the provisions of the Covenant, particularly with regard to fundamental rights such as the right to work, education and culture.

365. The Committee recommends that the State party accord equal treatment to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in terms of their domestic legal status and that if measures are taken to incorporate

civil and political rights treaty obligations consideration be given to similar measures in relation to economic, social and cultural rights.

366. The Committee recommends that the draft legislation concerning the right of civil servants to strike be adopted as soon as possible, in line with the State party's obligations under article 8, paragraph 2, of the Covenant.

367. The Committee also recommends that any modification to the statute on civil servants be formulated in such a way as to safeguard the acquired rights of civil servants, as guaranteed in the Covenant.

368. The Committee further recommends early ratification of ILO Conventions Nos. 98 (1949) and 174 (1993).

369. The Committee recommends that adequate social security protection be provided to pregnant women and recent mothers. The Committee further emphasizes the importance of educational campaigns to develop awareness of the problem of discrimination and recommends that all possible measures be taken, in particular at the social infrastructure level, to make it easier for women who wish to work outside the home to do so.

370. The Committee recommends that the State party intensify its efforts to guarantee men and women equal access to employment and equal wages for work of equal value.

371. The Committee recommends that the State party play a more active role in promoting equal access to higher education for women, immigrants and ethnic minorities.

372. The Committee requests the State party to provide up-to-date information in its next report on measures taken to combat the phenomenon of domestic violence and that of paedophilia.

373. The Committee also requests the State party to provide more detailed information in its next report on the situation of the mental health of the population and in particular of mental patients in the country and on progress achieved in this field.

374. The Committee recommends that the State party, in accordance with article 12, paragraph 2 (d), of the Covenant, review its systems of health care to prevent the high costs of these from having a negative effect on the standard of living of families, which is incompatible with article 11, paragraph 1 of the Covenant.

375. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also urges the Government to consult with non-governmental organizations in the preparation of the second periodic report.

CANADA

376. The Committee considered the third periodic report of Canada on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.17) at its 46th to 48th meetings, held on 26 and 27 November 1998 and, at its 57th meeting on 4 December 1998, adopted the following concluding observations.

A. Introduction

377. The Committee expresses its appreciation to the Government of Canada for the submission of its detailed and extensive report, which generally follows the Committee's reporting guidelines, and for the comprehensive written answers to its list of issues. The Committee notes that, while the delegation was composed of a significant number of experts, too many questions failed to receive detailed or specific answers. Moreover, in the light of the federal structure of Canada and the extensive provincial jurisdiction, the absence of any expert particularly representing the largest provinces, other than Quebec, significantly limited the potential depth of the dialogue on key issues. The Committee notes with satisfaction that the Government of Canada engaged in extensive consultation with non-governmental organizations in the preparation of the report, that it submitted a core document (HRI/CORE/1/Add.91) and that it provided supplementary information during the consideration of the report.

B. Positive aspects

378. The Committee notes that, for the past five years, Canada has been ranked at the top of UNDP's Human Development Index. This indicates that, on average, Canadians enjoy a singularly high standard of living and that Canada has the capacity to achieve a high level of respect for all Covenant rights. That this has not yet been achieved is reflected in the fact that UNDP's Human Poverty Index ranks Canada tenth on the list of the industrialized countries.

379. The Committee notes with satisfaction that the Supreme Court of Canada has not followed the decisions of a number of lower courts and has held that section 15 (equality rights) of the Canadian Charter of Rights and Freedoms imposes positive obligations on Governments to allocate resources and to implement programmes to address social and economic disadvantage, thus providing effective domestic remedies under section 15 for disadvantaged groups.

380. The Committee notes with satisfaction that the Federal Government has acknowledged, in line with the interpretation adopted by the Supreme Court, that section 7 of the Canadian Charter concerning liberty and security of the person guarantees the basic necessities of life, in accordance with the Covenant.

381. The Committee notes with satisfaction that the Human Rights Tribunal in Quebec has, in a number of decisions, taken the Covenant into consideration in interpreting Quebec's Charter of Human Rights and Freedoms, especially in relation to labour rights.

382. The Committee notes that, in recognition of the serious issues affecting aboriginal peoples in Canada, the Government appointed the Royal Commission on Aboriginal Peoples, which released a wide-ranging report in 1996 addressing many of the rights enshrined in the Covenant.

383. The Committee welcomes the reinstatement by the Federal Government of the Court Challenges Program, as recommended by the Committee while reviewing the State Party's second periodic report. 7/

384. The Committee welcomes the Canadian Human Rights Commission's statement about the inadequate protection and enjoyment of economic and social rights in Canada and its proposal for the inclusion of those rights in human rights legislation, as recommended by the Committee in 1993.

385. The Committee views as a positive development the high percentage of women attending university and their increasing access to the liberal professions traditionally dominated by men. The Committee notes that Canada has one of the highest percentages of population having completed post-secondary education and one of the highest percentages of GDP devoted to post-secondary education in the world.

C. Factors and difficulties impeding the implementation of the Covenant

386. The Committee notes that since 1994, in addressing the budget deficits by slashing social expenditure, the State party has not paid sufficient attention to the adverse consequences for the enjoyment of economic, social and cultural rights by the Canadian population as a whole, and by vulnerable groups in particular.

387. The Committee heard ample evidence from the State party suggesting that Canada's complex federal system presents obstacles to the implementation of the Covenant in areas of provincial jurisdiction. The Committee regrets that, unless a right under the Covenant is implicitly or explicitly protected by the Canadian Charter through federal-provincial agreements, or incorporated directly in provincial law, there is no legal redress available to either an aggrieved individual or the Federal Government where provinces have failed to implement the Covenant. The State party's delegation emphasized the importance of political processes in this regard, but noted that they were often complex.

388. While the Government of Canada has consistently used Statistics Canada's "low income cut-off" as a measure of poverty when providing information to the Committee about poverty in Canada, it informed the Committee that it does not accept the low income cut-off as a poverty line, although it is widely used by experts to consider the extent and depth of poverty in Canada. The absence of an official poverty line makes it difficult to hold the federal, provincial and territorial governments accountable with respect to their obligations under the Covenant.

D. Principal subjects of concern

389. The Committee has received information about a number of cases in which claims were brought by people living in poverty (usually women with children) against government policies which denied the claimants and their children adequate food, clothing and housing. Provincial governments have urged upon their courts in these cases an interpretation of the Canadian Charter which would deny any protection of Covenant rights and consequently leave the complainants without the basic necessities of life or any legal remedy.

390. The Committee is deeply concerned at the information that provincial courts in Canada have routinely opted for an interpretation of the Canadian Charter which excludes protection of the right to an adequate standard of living and other Covenant rights. The Committee notes with concern that the courts have taken this position despite the fact that the Supreme Court of Canada has stated, as has the Government of Canada before this Committee, that the Canadian Charter can be interpreted so as to protect these rights.

391. The Committee is also concerned about the inadequate legal protection in Canada of women's rights guaranteed under the Covenant, such as the absence of laws requiring employers to pay equal remuneration for work of equal value in some provinces and territories, restricted access to civil legal aid, inadequate protection from gender discrimination afforded by human rights laws and the inadequate enforcement of those laws.

392. The Committee is greatly concerned at the gross disparity between aboriginal people and the majority of Canadians with respect to the enjoyment of Covenant rights. There has been little or no progress in the alleviation of social and economic deprivation among aboriginal people. In particular, the Committee is deeply concerned at the shortage of adequate housing, the endemic mass unemployment and the high rate of suicide, especially among youth, in the aboriginal communities. Another concern is the failure to provide safe and adequate drinking water to aboriginal communities on reserves. The delegation of the State party conceded that almost a quarter of aboriginal household dwellings required major repairs and lacked basic amenities.

393. The Committee views with concern the direct connection between aboriginal economic marginalization and the ongoing dispossession of aboriginal people from their lands, as recognized by the Royal Commission on Aboriginal Peoples, and endorses the recommendations of the Commission that policies which violate aboriginal treaty obligations and the extinguishment, conversion or giving up of aboriginal rights and title should on no account be pursued by the State party. The Committee is greatly concerned that the recommendations of the Royal Commission on Aboriginal Peoples have not yet been implemented, in spite of the urgency of the situation.

394. The replacement of the Canada Assistance Plan by the Canada Health and Social Transfer entails a range of adverse consequences for the enjoyment of Covenant rights by disadvantaged groups in Canada. The Government informed the Committee in its second periodic report in 1993 that the Canada Assistance Plan set national standards for social welfare, required that work by welfare recipients be freely chosen, guaranteed the right to an adequate standard of

living and facilitated court challenges of federally-funded provincial social assistance programmes which did not meet the standards prescribed in the Act. In contrast, the Canada Health and Social Transfer has eliminated each of these features and significantly reduced the amount of cash transfer payments provided to the provinces to cover social assistance. It did, however, retain national standards in relation to health, thus denying provincial "flexibility" in one area, while insisting upon it in others. The delegation provided no explanation for this inconsistency. The Committee regrets that, by according virtually unfettered discretion to provincial governments in relation to social rights, the Government of Canada has created a situation in which Covenant standards can be undermined and effective accountability has been radically reduced. The Committee also recalls in this regard paragraph 9 of General Comment No. 3 (1990). 5/

395. The Committee is concerned that newly-introduced successive restrictions on unemployment insurance benefits have resulted in a dramatic drop in the proportion of unemployed workers receiving benefits to approximately half of previous coverage, in the lowering of benefit rates, in reductions in the length of time for which benefits are paid and in increasingly restricted access to benefits for part-time workers. While the new programme is said to provide better benefits for low-income families with children, the fact is that fewer low-income families are eligible to receive any benefits at all. Part-time, young, marginal, temporary and seasonal workers face more restrictions and are frequently denied benefits, although they contribute significantly to the fund.

396. The Committee received information to the effect that cuts of about 10 per cent in social assistance rates for single people have been introduced in Manitoba; 35 per cent in those for single people in Nova Scotia; and 21.6 per cent in those for both families and single people in Ontario. These cuts appear to have had a significantly adverse impact on vulnerable groups, causing increases in already high levels of homelessness and hunger.

397. The Committee notes with concern that, in all but two provinces (New Brunswick and Newfoundland), the National Child Benefit introduced by the federal government, which is meant to be given to all children of low-income families, is in fact only given to children of working poor parents since the provinces are allowed by the federal government to deduct the full amount of this benefit from the amount of social assistance received by parents on welfare.

398. The Committee notes with grave concern that the repeal of CAP and cuts in social assistance rates, social services and programmes have had a particularly harsh impact on women, in particular single mothers, who are the majority of the poor, the majority of adults receiving social assistance and the majority among the users of social programmes.

399. The Committee is gravely concerned that such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada's 10 largest cities have now declared homelessness a national disaster.

400. The Committee is concerned that provincial social assistance rates and other income assistance measures have clearly not been adequate to cover rental costs of the poor. In the past five years, the number of tenants paying more than 50 per cent of their income towards rent has increased by 43 per cent.

401. The Committee is concerned that, in both Ontario and Quebec, governments have adopted legislation to redirect social assistance payments directly to landlords without the consent of recipients, despite the fact that the Quebec Human Rights Commission and an Ontario Human Rights Tribunal have found this treatment of social assistance recipients to be discriminatory.

402. The Committee expresses its grave concern at learning that the Government of Ontario proceeded with its announced 21.6 per cent cuts in social assistance in spite of claims that this would force large numbers of people from their homes.

403. The Committee is concerned that the significant reductions in provincial social assistance programmes, the unavailability of affordable and appropriate housing and widespread discrimination with respect to housing create obstacles to women escaping domestic violence. Many women are forced, as a result of those obstacles, to choose between returning to or staying in a violent situation, on the one hand, or homelessness and inadequate food and clothing for themselves and their children, on the other.

404. The Committee notes that aboriginal women living on reserves do not enjoy the same right as women living off reserves to an equal share of matrimonial property at the time of marriage breakdown.

405. The Committee notes with concern that at least six provinces in Canada (including Quebec and Ontario) have adopted "workfare" programmes that either tie the right to social assistance to compulsory employment schemes or reduce the level of benefits when recipients, who are usually young, assert their right to choose freely what type of work they wish to do. In many cases, these programmes constitute work without the protection of fundamental labour rights and labour standards legislation. The Committee further notes that in the case of the province of Quebec, those workfare schemes are implemented despite the opinion of the Canadian Human Rights Commission and the decisions of the Human Rights Tribunal that those programmes constitute discrimination based on social status or age.

406. The Committee notes that Bill 22, "An act to prevent unionization", was adopted by the Ontario Legislative Assembly on 24 November 1998. This law denies to workfare participants the rights to join a trade union, to bargain collectively and to strike. In response to a request from the Committee, the Government provided no information in relation to the compatibility of the law with the Covenant. The Committee considers the law to be a clear violation of article 8 of the Covenant and calls upon the State party to take measures to repeal the offending provisions.

407. The Committee is concerned that the minimum wage is not sufficient to provide an adequate standard of living for a worker and his or her family.

408. The Committee is perturbed to hear that the number of food banks almost doubled between 1989 and 1997 in Canada and that they are able to meet only a fraction of the increased needs of the poor.

409. The Committee is concerned that the State party did not take into account the Committee's 1993 major concerns and recommendations when it adopted policies at federal, provincial and territorial levels which exacerbated poverty and homelessness among vulnerable groups during a time of strong economic growth and increasing affluence.

410. The Committee is concerned at the crisis level of homelessness among youth and young families. According to information received from the National Council of Welfare, over 90 per cent of single mothers under 25 live in poverty. Unemployment and underemployment rates are also significantly higher among youth than among the general population.

411. The Committee is also concerned about significant cuts in services on which people with disabilities rely, such as cuts in home care, attendant care and special needs transportation systems, and tightened eligibility rules for people with disabilities. Programmes for people who have been discharged from psychiatric institutions appear to be entirely inadequate. Although the Government failed to provide to the Committee any information regarding homelessness among discharged psychiatric patients, the Committee was told that a large number of those patients end up on the street, while others suffer from inadequate housing, with insufficient support services.

412. The Committee views with concern the plight of thousands of "Convention refugees" in Canada, who cannot be given permanent resident status for a number of reasons, including the lack of identity documents, and who cannot be reunited with their families for a period of five years.

413. The Committee views with concern that 20 per cent of the adult population in Canada is functionally illiterate.

414. The Committee is concerned that loan programmes for post-secondary education are available only to Canadian citizens and permanent residents and that recognized refugees who do not have permanent residence status, as well as asylum seekers, are ineligible for these loan programmes. The Committee views also with concern the fact that tuition fees for university education in Canada have dramatically increased in the past few years, making it very difficult for those in need to attend university in the absence of a loan or grant. A further subject of concern is the significant increase in the average student debt on graduation.

E. Suggestions and recommendations

415. The Committee recommends that the State party consider re-establishing a national programme with specific cash transfers for social assistance and social services that includes universal entitlements and national standards and lays down a legally enforceable right to adequate assistance for all persons in need, a right to freely chosen work, a right to appeal and a right to move freely from one job to another.

416. The Committee urges the State party to establish officially a poverty line and to establish social assistance at levels which ensure the realization of an adequate standard of living for all.

417. The Committee recommends that federal and provincial agreements should be adjusted so as to ensure, in whatever ways are appropriate, that services such as mental health care, home care, child care and attendant care, shelters for battered women and legal aid for non-criminal matters, are available at levels that ensure the right to an adequate standard of living.

418. The Committee calls upon the State party to act urgently with respect to the recommendations of the Royal Commission on Aboriginal Peoples. The Committee also calls upon the State party to take concrete and urgent steps to restore and respect an aboriginal land and resource base adequate to achieve a sustainable aboriginal economy and culture.

419. The Committee recommends that the National Child Benefit Scheme be amended so as to prohibit provinces from deducting the benefit from social assistance entitlements.

420. The Committee recommends that Canada's Employment Insurance Plan be reformed so as to provide adequate coverage for all unemployed workers in an amount and for a duration which fully guarantees their right to social security.

421. The Committee recommends that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The Committee urges the State party to implement a national strategy for the reduction of homelessness and poverty.

422. The Committee calls upon the State party, in consultation with the communities concerned, to address the situation described in paragraph 404 above with a view to ensuring full respect for human rights.

423. The Committee recommends that the Government of Canada take additional steps to ensure the enjoyment of economic and social rights for people with disabilities, in accordance with the Committee's General Comment No. 5 (1990) concerning persons with disabilities. 8/

424. The Committee urges the Government to develop and expand adequate programmes to address the financial obstacles to post-secondary education for low-income students, without any discrimination on the basis of citizenship status.

425. The Committee urges the federal, provincial and territorial governments to adopt positions in litigation which are consistent with their obligation to uphold the rights recognized in the Covenant.

426. The Committee again urges federal, provincial and territorial governments to expand protection in human rights legislation to include social and economic rights and to protect poor people in all jurisdictions from discrimination because of social or economic status. Moreover, enforcement mechanisms provided in human rights legislation need to be reinforced to ensure that all human rights claims not settled through mediation are promptly determined before a competent human rights tribunal, with the provision of legal aid to vulnerable groups.

427. The Committee, as in its review of the second periodic report of Canada, reiterates that economic and social rights should not be downgraded to "principles and objectives" in the ongoing discussions between the federal government and the provinces and territories regarding social programmes. The Committee consequently urges the Federal Government to take concrete steps to ensure that the provinces and territories are made aware of their legal obligations under the Covenant and that the Covenant rights are enforceable within the provinces and territories through legislation or policy measures and the establishment of independent and appropriate monitoring and adjudication mechanisms.

428. The Committee encourages the State party to adopt the necessary measures to ensure the realization of women's economic, social and cultural rights, including the right to equal remuneration for work of equal value.

429. The Committee also recommends that a greater proportion of federal, provincial and territorial budgets be directed specifically to measures to address women's poverty and the poverty of their children, affordable day care, and legal aid for family matters. Measures that will establish adequate support for shelters for battered women, care-giving services and women's non-governmental organizations should also be implemented.

430. The Committee urges the federal, provincial and territorial governments to review their respective "workfare" legislation in order to ensure that none of the provisions violate the right to work freely chosen and other labour standards, including the minimum wage, rights which are not only guaranteed by the Covenant but also by the relevant ILO conventions on fundamental labour rights and labour standards.

431. The Committee calls upon the federal, provincial and territorial governments to give even higher priority to measures to reduce the rate of functional illiteracy in Canada.

432. The Committee recommends that the State party request the Canadian Judicial Council to provide all judges with copies of the Committee's concluding observations and encourage training for judges on Canada's obligations under the Covenant.

433. The Committee also recommends that since there is generally in Canada a lack of public awareness about human rights treaty obligations, the general

public, public institutions and officers at all levels of Government should be made aware by the State party of Canada's human rights obligations under the Covenant. In this regard, the Committee wishes to make specific reference to its General Comment No. 9 (1998) on the domestic application of the Covenant (see annex IV below).

434. The Committee recommends that the federal government extend the Court Challenges Programme to include challenges to provincial legislation and policies which may violate the provisions of the Covenant.

435. Finally, the Committee requests the State Party to ensure the wide dissemination in Canada of the present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.

Chapter V

DAY OF GENERAL DISCUSSION

A. Eighteenth session, 11 May 1998

Globalization and its impact on the enjoyment of economic, social and cultural rights

I. Introduction

436. Recent developments, particularly in the fields of trade and finance as well as in science and technology, have led to increasing reference to the phenomenon of "globalization". While this term has been most often used in the context of economics, especially to emphasize the impact of market liberalization and its global consequences, it is also more and more being used in relation to developments in other spheres in which international cooperation is seen to be increasingly necessary. It is also a phenomenon which has heavily influenced the outcome of the series of world conferences that have taken place in recent years at which members of the international community have committed themselves to take action in such areas as children (1990), the environment (1992), human rights (1993), social development and women (1995), food (1996) and, most recently, the establishment of an international criminal court (1998).

437. The Committee on Economic, Social and Cultural Rights has expressed the view that the concept of globalization should not be categorically equated with economic rationality and curtailed government action. Achieving greater market interaction among nations and businesses does not automatically ensure that questions of equity among nations or among individuals will be addressed. Nor has international regulation been abandoned. It is, in fact, not only accepted in the traditional government domains of security and law and order, but is also used extensively in the realms of commerce and justice precisely to further the goals of liberalization. The question therefore arises as to how globalization affects the enjoyment of economic, social and cultural rights and to what extent additional methods need to be explored in order to ensure that developments relating to globalization are conducive to the promotion of those rights.

438. To explore these aspects of globalization, the Committee on Economic, Social and Cultural Rights decided to hold a day of general discussion on the topic on 11 May 1998. It was attended by representatives of ILO, IMF, UNCTAD, UNESCO, WIPO and the Non-Governmental Liaison Service. Representatives of the following non-governmental organizations also participated: American Association of Jurists, Centre Europe-Tiers Monde, Droit-Solidarité (France), Habitat International Coalition, the Indian Movement "Tupaj Amaru", Indigenous World Association, International Confederation of Free Trade Unions), International Federation of University Women, International Service for Human Rights and the International League for the Rights and Liberation of Peoples.

439. In addition, the following institutions and organizations contributed written materials for the discussion: ILO and WHO, American Association of Jurists, Foodfirst Information and Action Network International, the Institute for Agriculture and Trade Policy, and the International Confederation of Free Trade Unions.

II. Opening remarks

440. The Chairperson of the Committee, Mr. Philip Alston, introduced the subject of globalization as a complex phenomenon aimed primarily at the liberalization of markets. In its extreme version, the role of the State was greatly reduced and the facilitation of liberalization, whether through privatization or deregulation, was one of its dominant objectives. The results of existing policies demonstrated their inadequacy in relation to economic and social rights. This was evidenced in reports of UNDP, the World Bank and other statistics-collecting agencies. The poorest 20 per cent of the world's people owned only 2.3 per cent of the world's wealth, less than half of the percentage they owned in 1960. Contrary to common belief, the debt crisis was not an issue of the past; today, according to the World Bank, the accumulated debt of the 41 most highly indebted poor countries was nearly four times its level in 1980. In Africa, the amount spent per capita on debt servicing was twice the amount spent per capita on primary education and health. Yet while IMF rigorously monitored loan recipient countries' compliance with loan conditions for financial reform, it only "lamented" the ill-effects on economic, social and cultural rights and left them to be dealt with by other international organizations and bodies.

441. In that regard, the Chairperson noted with regret that the activities and funding of many international organizations and bodies that undertook economic and social programmes were being scaled back, while those of the WTO and the financial institutions were being expanded. He pointed out that while the mandates of the latter institutions were concerned with questions of finance, economic structure, structural adjustment, debt and other macro-economic issues, those questions could not be isolated from their effects on the enjoyment of economic, social and cultural rights. However, the programmes pursued by the institutions in question seemed directed not at addressing the needs of recipient countries or of their peoples but at promoting the globalization agenda. He noted that international trade and financial institutions had never referred in their work to the Covenant, or the obligations thereunder assumed by the Governments with which they were dealing. The Chairperson expressed regret that the United Nations had abandoned efforts to formulate a code of conduct for transnational corporations (TNCs). Moreover, there was a problem of transparency, particularly in the case of IMF, with regard to the data and process by which it arrived at policies, decisions and loan conditions.

442. The Chairperson thus argued that globalization was not value-neutral. It affected the right to work and to favourable conditions of work, as well as the rights to health and education. The monitoring of the enjoyment of those rights could not be left exclusively to a committee of 18 experts with no mandate for monitoring the development of international financial markets, with no capacity for technical analysis and with diminishing secretariat

support. It was time for the main international organizations involved in the globalization process to assume a role in the promotion and protection of human rights.

III. Statement by the United Nations High Commissioner for Human Rights

443. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, welcomed the discussion on globalization and human rights, a timely subject which in her view was only beginning to receive the attention it deserved and which evidently required greater in-depth exploration. She drew attention to efforts being made on several fronts to place economic, social and cultural rights high on the United Nations agenda, particularly through the Executive Committees in which she participated actively, and the United Nations Development Group, in which the Office of the United Nations High Commissioner for Human Rights was playing a leading role with respect to articulating how the right to development could be implemented. She also reported on the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region held in Tehran from 28 February to 2 March 1998, in which 36 diverse countries from the region had reached agreement on regional arrangements for technical cooperation. She pledged that she would ensure wide dissemination of the results of the round-table discussion on benchmarks for the realization of economic, social and cultural rights, held on 25 March 1998 in Geneva, and chaired by the Chairperson of the Committee.

444. In response to questions from members of the Committee, the High Commissioner explained that the agreement reached at the Tehran workshop would allow participating States to proceed with implementation of international human rights standards at their own pace and that one of the aims of the exercise was to produce a compendium of good practices that might serve as models for other countries or regions. In response to other questions, she informed the meeting that she had undertaken contacts with IMF in relation to the need to take into consideration the impact of its programmes on human rights, especially the rights of members of vulnerable groups, and with the World Bank as part of that organization's efforts in post-conflict situations. Contacts with both institutions were also taking place within the framework of the Administrative Committee on Coordination.

IV. Statements by representatives of intergovernmental organizations

445. Mr. Guy Standing (ILO) highlighted some key features of the globalization phenomenon. Change and reactions to it were accelerating at a remarkable pace, which left the vulnerable much less equipped to cope. From the point of view of labour rights, globalization was encouraging fragmentation and uncertainty; as TNCs escaped national accountability, the poor were becoming increasingly disenfranchised, subsidies formerly granted to labour were being redirected to attract international capital, and the burden of taxes was shifting increasingly from capital to labour. Mr. Standing pointed to a close correlation between globalization and the level of social benefits offered in society. The World Bank and IMF had adopted a minimalist approach to social security, based on strict means-testing. Social services were viewed not as rights but as grants given by the State and were

increasingly being privatized or semi-privatized. He agreed that it was very difficult to obtain the data and models that served as the basis for IMF recommendations. A background paper submitted by ILO for discussion is contained in document E/C.12/1998/8.

446. Mr. Grant Taplin (IMF) acknowledged the problem of transparency. IMF strongly encouraged countries to make their IMF agreements available to the public and issued its own Public Information Notice on them, which were publicly available. With regard to suggestions that IMF should take responsibility for matters relating to economic and social rights, he stressed that loans were agreed by decision of the IMF governing body following negotiations with recipient countries. Recipient countries could not be coerced into consenting to loan conditions that they did not wish to accept. Nevertheless, IMF was making efforts to protect human rights, including through provisions for social programmes in its structural adjustment programmes, operation of special lending facilities for the "poorest of the poor", and attention to labour rights in the context of lending agreements.

447. Mr. Januz Symonides (UNESCO) discussed the dangers posed by globalization to cultural diversity worldwide. The benefits of free and rapid information exchange and enhanced enjoyment of freedom of expression were offset by the culturally homogenizing effect of globalization, which undermined existing cultural identity and weakened various ethical norms and social cohesion. He cautioned that Governments must continue to bear the main responsibility for the implementation of human rights. Markets could not replace Governments in the determination of economic, social, educational and cultural policies or in providing social services and infrastructure.

448. Mr. A. Woodfield (UNCTAD) presented globalization as a conflict of ideas between market efficiency and the role of the State in economic development. He suggested that that conflict was being won by the market approach and presented empirical evidence of its negative effects with respect to income inequality and vulnerability to external shocks. Liberalization in developing countries had been accompanied by boom and bust cycles where upper-income groups benefited most from the booms and lower-income groups were most hurt by the extreme demand compression policies and higher inflation associated with busts. Liberalization in trade and investment had also left many countries with depressed wages owing to increases in labour-intensive imports from low-income countries. He suggested, however, that globalization could promote sustained economic growth and improved income distribution in developing countries if it was preceded by State-led strategic planning.

449. Mr. Erik Chrispeels (UNCTAD) said that UNCTAD was preparing a policy paper on human rights and development and that an effort would be made to ensure that the Committee received UNCTAD documents. While UNCTAD would continue to cooperate with the Committee, he believed that considerations should be given to the kind of cooperation desired.

450. Mr. Wend Wendland (WIPO) expressed the strong support of his organization for article 15 of the Covenant. He enumerated areas in which the protection and promotion of intellectual property rights was essential, primarily that of the development and transfer of technology but also entertainment, knowledge-based industries, employment in those industries, and

exports and investment, both foreign and local. The WIPO programme for 1998 and 1999 aimed at the exploration of new ways in which the intellectual property system could serve as a catalyst for the social and economic progress of diverse peoples, placing emphasis on traditional knowledge, the study of folklore protection and the preservation of biological diversity. In commemoration of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, WIPO planned to organize an expert panel on the relationship between intellectual property rights and economic, social and cultural rights. In response to requests by members that WIPO participate more actively in the work of the Committee to help it better monitor the implementation of article 15 of the Covenant, as well as to comments and questions by other participants, Mr. Wendland agreed that closer cooperation with the human rights mechanisms was needed. The new biennium programme for 1998-1999 had only been approved six weeks previously. As those types of activities were new to WIPO, the initial focus was on studying the issues. His presence at the day of general discussion and the active participation of WIPO in other forums, such as the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, were first steps by WIPO towards improving that cooperation. He suggested that WIPO and the Committee on Economic, Social and Cultural Rights should undertake to help each other better understand the human rights aspects of intellectual property rights.

451. Mr. Hamish Jenkins (Non-Governmental Liaison Service) reported on the results of a seminar organized jointly on 26 March 1998 in Geneva by the Non-Governmental Liaison Service of the United Nations and the International Service for Human Rights on the theme of globalization, income distribution and human rights. NGLS was motivated to facilitate discussion on those issues to help bridge the gap between economists and human rights specialists. He cited one speaker's reference to the prevailing tendency to treat economic rationality as distinct from social aspirations. The seminar aimed to analyse two reports, one of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on income distribution and human rights (E/CN.4/Sub.2/1998/8) and the 1997 Trade and Development Report produced by UNCTAD. Both reports associated globalization with mounting inequalities, between as well as within nations. Mr. Jenkins expressed regret that few of the arguments used by development NGOs were framed in terms of the human rights instruments. The Non-Governmental Liaison Service called upon the Committee to consider the proposal by the Special Rapporteur to establish a "Social Forum" that would bring economists and human rights specialists together for an institutionalized discussion on the relationship between globalization and human rights.

V. Statements by representatives of non-governmental organizations

452. Mr. Dan Cunniah (International Confederation of Free Trade Unions) made a statement additional to the written contribution of the International Confederation of Free Trade Unions to the discussion (E/C.12/1998/4). He considered that the liberalization of world markets had led directly to greater impoverishment of most developing countries. The Asian crisis was a test for globalization; whether the international community could respond by constructing a social dimension to globalization would determine the stability of the process. In trying to lower costs of production, firms were searching

the world for workers willing to work longer hours, with the lowest level of pay and social security benefits. Large companies were merging, not to cover losses but to increase their profits. Mr. Cunniah expressed the hope that at the forthcoming second ministerial meeting of the WTO concrete decisions would be taken on the question of international labour standards.

453. Ms. Conchita Poncini (International Federation of University Women) drew attention to the unequal effects globalization was having on women and men. According to UNCTAD, women dominated the labour market in export-oriented production (70 per cent). The right to work had traditionally been based on a male conception of employment in the formal sector of the economy. That model had failed to recognize the many forms of remunerated and unremunerated labour that women performed. The Human Development Report 1995 projected that by the year 2000, half of the world's active population would be women, but that 94 per cent of them would be working in the informal sector and only two thirds would be engaged in remunerated work. Furthermore, conditions of employment for women in a globalized economy were not likely to improve. Among several suggestions for narrowing gender inequalities in the context of globalization, Ms. Poncini said that attention should be paid to ensuring that the skills of women and men were equitably upgraded and that women were not crowded out of industries as they become more sophisticated.

454. Mr. Alejandro Teitelbaum (American Association of Jurists) noted that while the production of goods and services had increased greatly in recent decades, problems such as malnutrition, lack of health care and impoverished living conditions had, paradoxically, worsened. The devices that engendered globalization also facilitated trade in non-products, such as illegal drugs. The process of globalization was irreversible; the urgent question was who was directing it. Globalization had taken real power from States and vested it in an apparatus governing the world's political, financial, economic and military systems, consisting principally of the Group of Seven, IMF, the World Bank, WTO (and, by extension, the major transnational corporations), the Security Council and the North Atlantic Treaty Organization. Mr. Teitelbaum called upon international organizations, particularly the United Nations system, to play a role in helping nations and peoples win back the fundamental right and ability to direct the course of their lives. The American Association of Jurists contributed two written contributions to the discussion, which were available in documents E/C.12/1998/6 and 7.

455. Mr. Stephen Marks (International Service for Human Rights) referred to recent discussions between the Office of the United Nations High Commissioner for Human Rights and UNDP, in which the participation of UNDP in the work of the Committee had been explored. In a recently concluded memorandum of understanding between the two institutions, UNDP had pledged to assume an advocacy role for human rights. Mr. Marks had suggested several ways in which UNDP and the Committee could contribute to each other's work. UNDP could assist the Committee in the development of benchmarks for monitoring economic, social and cultural rights; share its country profiles on States whose reports were due to be examined by the Committee; contribute staff and resources to the Committee in a way comparable to the role played by UNICEF in relation to the Committee on the Rights of the Child; and modify its resource allocations to facilitate better implementation of the Covenant, as foreseen in article 22. For its part, the Committee could assist UNDP in developing an

understanding of a "rights perspective" in its work, particularly with respect to the Covenant, and help it integrate that understanding into the work of UNDP and its country cooperation framework.

456. Ms. Marie-Dominique Govin (International Service for Human Rights) spoke on three other salient results of the seminar organized on 26 March 1998 by the International Service for Human Rights and the Non-Governmental Liaison Service of the United Nations. The first was the question of income distribution and human rights. Income distribution was an indicator within any society of how power was distributed and, while economies had developed rapidly in recent years, income distribution had deteriorated. Second, the important role of civil society had been raised at the seminar. The process of globalization carried along with it the globalization of standards, which was resulting in a new system of ethics in various communities. Lastly, the seminar had discussed the proposal of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on income distribution and human rights to establish a "Social Forum", with the participation of the Committee. The Special Rapporteur had proposed that the social forum be established within the Sub-Commission and that it should, inter alia, propose legal standards on income distribution, poverty and human rights, and consider follow-up to the World Summit for Social Development (Copenhagen, 1995) and the Earth Summit (United Nations Conference on Environment and Development, Rio de Janeiro, 1992).

457. Mr. Nuria Albala (on behalf of Droit-Solidarité (France) and the International League for the Rights and Liberation of Peoples) drew attention to the proposed draft investment agreements that were under discussion at both the OECD and WTO. The Multilateral Agreement on Investment (MAI) was most disturbing, as its dispute-settlement mechanisms only addressed inter-State disputes but did not allow for complaints to be filed against investors. Mr. Albala urged the Committee to request that the Economic and Social Council authorize an in-depth study of the compatibility of MAI with the Covenant.

458. Mr. Miloon Kothari (Habitat International Coalition) presented several problematic aspects, from a human rights perspective, of MAI, which had been characterized by some as a "bill of rights and freedoms for transnational corporations". Legally, such international trade and investment agreements could be incompatible with multilateral human rights and environmental treaties. An initial review of MAI had led to strong suspicions that this was the case. Second, the human rights concept of non-discrimination ran counter to that used in the context of trade-investment liberalization; measures to eliminate discrimination and promote equality of vulnerable groups, which often required positive action by the State, might be subject to challenge as discriminatory by trade and investment bodies. In addition, the agreement contained no binding obligations on corporate conduct in regard to human rights; corporate conduct would at best be governed by voluntary codes. A large and growing NGO coalition had worked to mobilize public opinion and Governments to act against MAI. Mr. Kothari suggested that the Committee might raise a voice by: calling for an immediate technical review of the impact of the proposed MAI on human rights; demanding full recognition of survival rights; calling for the establishment of a committee on trade, investment and human rights within WTO, IMF and OECD; considering the formulation of a general comment on obligations in relation to transnational

corporations; and when examining the reports of States parties raising the matter of their human rights obligations in respect of future agreements.

459. Mr. Malik Özden (Centre Europe-Tiers Monde) expressed the belief of Centre Europe-Tiers Monde that globalization was an obstacle to the realization of economic, social and cultural rights, particularly the rights contained in articles 1 and 2 of the Covenant. The demands made by the World Bank and IMF in conferring loans to developing countries resulted in decreased social services, increased unemployment and a diminished role for the State. The international trade agreements being negotiated aimed at protecting the monopolies of transnational corporations, reducing their operation costs and facilitating tax evasion. Centre Europe-Tiers Monde urged the Committee to undertake an in-depth study of the role of the international financial institutions and to recommend that the Economic and Social Council examine the compatibility of MAI with the Covenant.

460. Mr. Lázaro Pary (Indigenous World Association and the Indian Movement "Tupaj Amaru") supported the view that the activities of transnational corporations were directly linked with the enjoyment of economic, social and cultural rights. Host countries were losing their capacity to exert influence or jurisdiction over branches of TNCs in their territories. Mr. Pary believed it essential that measures be taken to establish the nationality of transnational corporations and that clear rules be drawn up regarding responsibility for such social phenomena as environmental pollution and poverty. He urged the Committee to give priority to setting up a working group on the effects of the activities of transnational corporations on the enjoyment of economic, social and cultural rights, on the right to development and on civil and political rights. The working group could also examine how capital was being transferred from poor to rich countries, including in the form of interest, debt servicing, speculation and money laundering, and look into the exploitation of natural resources by TNCs and their responsibilities with regard to the rehabilitation of the environment.

461. As a result of the rich exchange that took place during the day of general discussion, the Committee adopted a statement on globalization and economic, social and cultural rights (for the text, see chap. VI below).

B. Nineteenth session, 30 November 1998

The right to education (articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights)

I. Introduction

462. On 30 November 1998, the Committee held a day of general discussion on the right to education, as enshrined in articles 13 and 14 of the Covenant (see E/C.12/1998/SR.49 and 50). The Committee had decided, during its eighteenth session, to devote its day of general discussion to the right to education, in connection with the recent inclusion of this question on the agenda of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as of the Commission on Human Rights. Indeed, at its forty-ninth session in August 1997, the Sub-Commission adopted resolution 1997/7 in which it requested one of its experts, Mr. Mustapha Mehedi, to prepare a working paper on the right to education

with the purpose of explaining "the content of the right to education, taking account, in particular, of its social dimension and the freedoms it includes and of its dual civil and political rights and economic, social and cultural character". This document was submitted to the Sub-Commission at its fiftieth session in August 1998 (E/CN.4/Sub.2/1998/10). The Commission on Human Rights, at its fifty-fourth session, decided to appoint a Special Rapporteur, whose mandate will focus on the right to education (resolution 1998/33). Following this decision, in September 1998 Ms. Katarina Tomasevski was named to this post.

463. Participants in the day of general discussion included:

- Ms. Ruth Bonner, International Baccalaureate Organization;
- Ms. Annar Cassam, Director, UNESCO Liaison Office in Geneva;
- Mr. Fons Coomans, Maastricht University (Netherlands), Department of Public Law;
- Mr. Bertrand Coppens, Regional Representative and Director a.i., European Office, UNDP;
- Mr. Alfred Fernandez, Director-General, International Organization for the Development of Freedom of Education;
- Ms. W. Gordon, Director, Section for Primary Education, Division of Basic Education, Education Sector, UNESCO;
- Mr. Paul Hunt, University of Waikato (New Zealand);
- Mr. George Kent, University of Hawaii (United States of America);
- Mr. Miloon Kothari, Habitat International Coalition, Geneva;
- Mr. Mustapha Mehedi, Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
- Mr. Patrice Meyer-Bisch, University of Fribourg (Switzerland);
- Ms. Mercedes Moya, American Association of Jurists;
- Ms. Bilge Ogun-Bassani, Deputy Director, Regional Office for Europe, UNICEF;
- Ms. Conchita Poncini, International Federation of University Women;
- Ms. Kaisa Savolainen, Director, Department of Education for a Culture of Peace, Education Sector, UNESCO;
- Ms. Katarina Tomasevski, Special Rapporteur of the Commission on Human Rights on the right to education.

464. The Committee had before it the following background papers:

(a) State obligations, indicators, benchmarks and the right to education by Paul Hunt (University of Waikato, New Zealand) (E/C.12/1998/11);

(b) The right to quality education by George Kent (University of Hawaii, United States of America) (E/C.12/1998/13);

(c) Right to education: survey and prospects by Alfred Fernandez, director-general, and Jean-Daniel Nordmann, principal adviser, International Organization for the Development of Freedom of Education (E/C.12/1998/14);

(d) The right to education by the World University Service (E/C.12/1998/15);

(e) The right to education as a human right: an analysis of key aspects by Fons Coomans (Maastricht University, Netherlands) (E/C.12/1998/16);

(f) The right to education in the context of cultural rights by Patrice Meyer-Bisch (University of Fribourg, Switzerland) (E/C.12/1998/17);

(g) The right to education by Katarina Tomasevski, Special Rapporteur of the Commission on Human Rights (E/C.12/1998/18);

(h) Violations of the right to education by Audrey Chapman, Director and Sage Russell, Senior Programme Associate, Science and Human Rights Programme, American Association for the Advancement of Science, Washington D.C. (E/C.12/1998/19);

(i) The right to education and programmes to remedy inequalities by Ferrán Ferrer (Autonomous University of Barcelona, Spain) (E/C.12/1998/20);

(j) Considerations on indicators of the right to education by Zacharie Zachariev (E/C.12/1998/21);

(k) How to measure the right to education: indicators and their potential use by the Committee on Economic, Social and Cultural Rights by Isabell Kempf, Programme Management Officer, United Nations Commission for Latin America and the Caribbean (E/C.12/1998/22);

(l) Comparative analysis of the right to education by José L. Gómez del Prado (E/C.12/1998/23).

II. Opening remarks

465. The Chairperson of the Committee, Mr. Alston, opened the day of general discussion by welcoming the appointment of Ms. Tomasevski as Special Rapporteur of the Commission, on the right to education, as well as Mr. Mehedi's working paper on the right to education.

466. The Chairperson reiterated his concern about the persistent lack of recognition of economic, social and cultural rights, including the right to education, as human rights, not only at the national level but also in various

international entities. At best, they are considered economic and social goals, not rights. He emphasized in particular the lack of visibility of the provision contained in article 14 of the Covenant. Recalling the unique character of this provision (which has no equivalent in other international human rights instruments enshrining the right to education), he deplored that so far not one State party had reported on its implementation.

467. Referring to the numerous calls by the Secretary-General and the United Nations High Commissioner for Human Rights for increased collaboration in the field of human rights among United Nations organs, specialized agencies and the various parts of the Secretariat, Mr. Alston stressed the need to build up a genuine partnership aiming at realizing the right to education as embodied in articles 13 and 14 of the Covenant. This applied equally to the various treaty bodies.

468. The Chairperson also welcomed the forthcoming publication by UNICEF of The State of the World's Children, 1998, devoted this year to education. He emphasized that UNICEF was one of the only global bodies that consistently and correctly characterized education as a human right.

III. Education as a human right and the right to education in the context of the indivisibility of human rights

469. The representatives of UNESCO underlined that for 50 years UNESCO had been acting in favour of the realization of the right to education, which was actually its *raison d'être*. Two main dimensions could be identified in its efforts: the work geared towards guaranteeing access to school and the efforts to create an environment conducive to the realization of the right to education. While significant progress had been achieved in relation to the first dimension, many obstacles still had to be overcome in many parts of the world to create a positive school environment. "Factors of resistance" related to the lack of teachers' education, the absence of an "environment to learn", the insufficient number and limited access to textbooks, the gap between the children's own experiences and formally structured education (between "home and school"), the teaching methods, etc. Ms. Gordon emphasized that today the production and distribution of textbooks were currently serious problems in many countries: the private sector considered it not to be profitable and even the World Bank and the IMF had expressed reluctance to provide funding. Moreover, in many poor countries, the book industry in general was hardly ever considered a priority investment area. And beyond textbooks, the publishing industry provided little literature of any type to encourage reading among children.

470. Ms. Gordon noted that fragmentation of approaches and efforts constituted a major obstacle to the full realization of the right to education. She called upon the Committee to explore ways to overcome the problem.

471. Mr. Coppens explained that though UNDP, unlike UNESCO or UNICEF, did not have a particular responsibility or mandate for education, it saw it as a privileged means, along with other social services, to eradicate poverty.

472. In a recent policy document entitled Integrating human rights with sustainable development, UNDP had undertaken to address all aspects of its work from a human rights perspective. It was currently endeavouring to translate those principles into practical action at field level, although that at times generated some strains at the government level.

473. UNDP policy on the right to education was contained in its objective of sustainable human development, in the follow-up to the 1990 World Conference on Education for All and in the rights-based approach to development. The Human Development Report 1997 had included a statistical measure of poverty, the Human Poverty Index, that set the right to education at the centre of the sustainable human development process and provided an insight into the nature of poverty that income measures alone failed to provide. The report had determined that poverty eradication could not be achieved by relying solely on economic growth and macroeconomic stability and concluded that poverty in itself was also a denial of human rights, a statement that had generated some strong opposition.

474. UNDP's poverty eradication programmes focused on the structural inequalities in society and, in the educational field, aimed at free and compulsory education for all. UNDP considered that education did not necessarily have to be provided through formal schooling, and gave considerable attention to education outside the traditional school setting, which could last throughout life. One vehicle for the delivery of education was the "20/20 initiative" calling for the assignment of 20 per cent of national budgets and 20 per cent of development assistance to the social sector, including education.

475. Success in education programmes was dependent on understanding the reasons why a person lacked schooling and determining the responsibilities of the various partners in the education process. UNDP's financial assistance to basic education was directed to primary education and alternative programmes, early childhood development, basic education for youth and adults, and education through traditional and modern media and social action. Special attention was paid to linking education with sustainable livelihoods, health care and related services, and community development. The education of women and girls remained a central theme of UNDP's support.

476. Ms. Ogun-Bassani introduced her statement by recalling that the right to education was central to the enjoyment of all other human rights; yet, the world had about 850 million illiterate people. Presenting UNICEF's strategy for the realization of the right to education, as contained in the 1998 Annual Report focusing on education, Ms. Ogun-Bassani emphasized that UNICEF wished to focus on clear, limited objectives. The top priority remained the 130 million children who were not now attending any kind of educational establishment. Efforts should concentrate where results could realistically be expected. Immediate action in the five countries where half of the 130 million children lived (India, Bangladesh, Pakistan, Nigeria and Ethiopia) could help to resolve a large part of the problem.

477. UNICEF had defined its goals with respect to the realization of the right to education as follows:

(a) By the year 2005, eliminate gender disparity in primary education and achieve a second enrolment rate of 80 per cent;

(b) By the year 2010, have 90 per cent of children in school and ensure that they learn what they need to learn;

(c) By the year 2015, have all children enrolled in school and remaining there until at least grade 5.

478. While proximity and affordability remained two major obstacles to the enjoyment of the right to education of many children of the world, the lack of political will was the first problem to be overcome.

479. Ms. Ogun-Bassani also mentioned that UNICEF would shortly be launching a political mobilization campaign among the industrialized nations with the aim of creating public awareness about the need for basic education and to bring public pressure to bear to supplement national resources in the poorest developing countries. Financial resources and technical cooperation should be mobilized for the strict fulfilment of the identified goals and targets.

480. Ms. Tomasevski pointed out that the Committee was very well placed to examine indivisibility, resource allocation and non-discrimination in the context of the right to education in a manner that avoided the fragmentation of the existing debate, which was largely a reflection of the diversity of the instruments underpinning that right.

481. Reacting to the introductory statements by the specialized agencies, several members of the Committee expressed the opinion that the responsibility for the realization of the right to education lay primarily with national Governments, emphasizing that many States violated their obligation to devote a sufficient portion of the national budget to education. Members stressed the need for the Committee to take a stand on this issue.

482. Mr. Meyer-Bisch stressed that if a country did not enjoy the necessary financial resources to implement the right to education for all, it had the obligation to accept assistance from partners. He emphasized, though, that it was mainly the political price of the right to education for all, rather than resource mobilization, that frightened many Governments, since implementing the right to education presumed the provision of other, concomitant cultural rights, such as linguistic freedom, minority rights, cultural identity and access to cultural properties. The right to education could not be ensured without taking into consideration its important cultural dimensions. The right to education could be implemented more efficiently only by adopting more complex approaches than was currently the case, based on the recognition of all cultural rights.

483. Other experts and representatives of specialized agencies reaffirmed the need to recognize cultural rights and to relate them to the education system. Addressing Mr. Sadi's concern about the impact of globalization on the content of the textbooks and the curricula taught in public schools, Mr. Hunt said that a distinction needed to be made between rights being uniform in their application ("flattening out diversities") and rights being universal

("incorporating universal values"). Article 15 of the Covenant could serve as an important antidote to the tendency to homogenize and iron out differences and diversity.

484. Mr. Kent noted that highly centralized funding structures tended not to accommodate diversity. Conversely, if the centres of decision-making were diversified, more possibilities would exist for accommodating diverse cultures and other diverse interests.

IV. Cooperation among United Nations organs and specialized agencies, including the human rights treaty bodies: partnership for the realization of the right to education

485. In view of the current fragmentation of efforts aimed at the realization of the right to education, most representatives of specialized agencies and experts called for increased cooperation among the specialized agencies and the human rights treaty bodies, as well as with other partners (such as individual experts and non-governmental organizations). Emphasis was put on the urgent need to strengthen collaboration at the national level. Several participants urged the Committee to take the lead and/or act as a catalyst for exploring ways to develop further such cooperation.

486. A number of concrete proposals were formulated by participants, including:

(a) To build up institutional mechanisms to ensure full cooperation between the Committee and its possible partners, by exploring ways suggested by the Covenant itself (e.g. in arts. 11, 18 and 23) (Mr. Hunt);

(b) To examine the goals and targets established by UNICEF to see how and where they might be used in the Committee's ongoing dialogue with States parties (Ms. Ogun-Bassani);

(c) To focus on collaboration at the national level to implement article 14 of the Covenant (Ms. Miller);

(d) To set up adequate cooperation mechanisms for identifying relevant indicators and benchmarks to monitor the right to education;

(e) To increase cooperation with the Committee on the Rights of the Child, including by inviting a member of the Committee on the Rights of the Child for the next day of general discussion (if the theme was of common interest), by drafting a joint general comment on the right to education, and by setting up a small working group, composed of members of both Committees, to revise and harmonize the guidelines for the drafting of States parties' reports with respect to the right to education (Mr. David);

(f) To set up a working group composed of members of various human rights treaty bodies to harmonize the guidelines for the drafting of States parties' reports, as far as matters of common competence were concerned (Mr. Kent);

(g) To undertake a study aiming at the integration of the various views adopted by other treaty bodies on the issue of discrimination in the enjoyment of the right to education (Ms. Tomasevski).

V. Relevance of the normative approach

487. Mr. Alston explained that this part of the debate was about the question whether education had to be considered as a human right or a fundamental objective of economic and social policies and the difference which the use of the respective terminology could make.

488. Whereas Ms. Tomasevski noted that the World Declaration on Education for All (Jomtien Declaration) 9/ contained no human rights wording, the representatives of UNESCO emphasized that the Jomtien Declaration had contributed to defining the content of the right to education. Ms. Savolainen noted that the normative approach had been interpreted as a "top-down" process, from which a certain distance was taken nowadays.

489. The Chairperson underlined that this was one possible interpretation, but that it should be borne in mind that all human beings, in particular children, were the subjects of the human right to education, which entitled them to claim its realization. He added that he felt, along with Ms. Tomasevski, that the "Jomtien approach" could not be qualified as a human rights approach, even if there were a mention of the phrase right to education towards the end of the Declaration.

VI. Core content of the right to education

490. There was general agreement with Mr. Coomans, according to whom four elements made up the core content of the right to education as enshrined in article 13 of the Covenant; violation of one or more of those elements by a State would entail the right losing its material and intrinsic value.

491. First, the essence of the right to education meant that no one shall be denied a right to education. In practice, this meant an individual right of access to available education or, in more concrete terms, the right of access to the existing public educational institutions on a non-discriminatory basis.

492. A second element would be the right to enjoy basic (primary) education in one form or another, not necessarily in the form of traditional classroom teaching. This would include basic education for adults (literacy courses, basic professional training). Primary education must be compulsory and free. This core element would also mean that no one, for example parents or employers, could withhold a child from primary education. A State had an obligation to protect this right from encroachments by third persons.

493. A third element was free choice of education without interference by the State or a third person, in particular but not exclusively with regard to religious or philosophical convictions.

494. The fourth element would be the right of national, ethnic or linguistic minorities to be taught in the language of their choice, in institutions outside the official system of public education. This, according to

Mr. Coomans, did not imply that a State must allow the use of this language as the only medium of instruction, nor that the State had the obligation to fund those institutions.

495. Mr. Riedel and Mr. Alston emphasized that, while they agreed with such core content, it could not be interpreted as a standard inferior to the content of article 13, paragraph 2, of the Covenant, which was not limited to primary education.

496. Mr. Mehedi expressed the wish to see academic freedom added to the core content as defined above, insofar as primary, secondary or tertiary education was concerned.

497. Ms. Tomasevski said that it was of paramount importance to overcome the reluctance of parents to send their daughters to school and that she would add an element dealing explicitly with non-discrimination based on gender. She would even go further, by providing that the State should subsidize girls' education and take positive actions in that respect. In poor countries, girls' education should not only be free, but should also be supported by incentives to parents.

VII. Nature of State obligations, indicators and benchmarks

498. Mr. Hunt pointed out that there remained considerable uncertainty about the precise nature and extent of some of the legal obligations arising from the Covenant. These doubts persisted for a number of reasons, one being the wording of article 2, paragraph 1, which included some notoriously elusive phrases and concepts, two of which had particular relevance to indicators and benchmarks: States parties undertake to "achieve progressively" the full realization of the enumerated rights to "the maximum of their available resources". Both phrases had two crucial implications. First they implied that some (but not necessarily all) States parties' obligations under the Covenant might vary from one State to another. Second, they implied that, in relation to the same State party, some (but not necessarily all) obligations under the Covenant might vary over time. These variable elements of States parties' obligations under the Covenant contributed to the sense of uncertainty which remained a feature of international economic, social and cultural rights.

499. However, an examination of the Covenant and of the Committee's jurisprudence disclosed three interrelated and overlapping dimensions to States parties' legal obligations:

(a) Obligations applying uniformly to all States parties. These obligations were not subject to notions of progressive realization and resource availability; they applied uniformly around the world to all States parties whatever their stage of economic development. They included, for example, the principle of non-discrimination. Thus, if a State party excluded girls from any State school, it breached the Covenant;

(b) A minimum core content for each right. According to the Committee, it was incumbent upon every State party to ensure the satisfaction of, at the very least, minimum essential levels of each right set out in the

Covenant. Without minimum core obligations, the Covenant was largely deprived of its raison d'être. Much work still had to be done to define the minimum core content of each right. Once defined, however, it should apply to all States parties whatever their stage of economic development. In other words, the minimum core content would not be subject to the notions of progressive realization and resource availability;

(c) The variable dimension. Because of the progressive realization and resource availability provisions of article 2, paragraph 1, the precise content of at least some State obligations was likely to vary from one State to another - and over time in relation to the same State.

500. Human rights indicators and benchmarks could help all interested parties identify and monitor these variable or shifting State obligations.

501. There was a consensus among the members of the Committee on the urgent need to set up a working group that would make use of all available expertise to formulate such indicators and benchmarks. Several participants stressed that such an exercise should take full account of all aspects of the indivisibility principle. Once identified, the indicators and benchmarks should be adequately incorporated into the Committee's guidelines for the drafting of States parties' reports. Mr. Texier emphasized that due consultation with all interested parties, in particular with the specialized agencies, was of paramount importance, since it would be disastrous for various United Nations organs and agencies to use different parameters to monitor the realization of the right to education. Ms. Poncini requested that NGOs be included in the working group on indicators and benchmarks.

502. It was felt by some participants that Ms. Kempf's written contribution was particularly valuable as a starting point for the technical work on indicators and benchmarks.

503. Ms. Ogun-Bassani explained that UNICEF considered that monitoring the achievement of its goals for the realization of the right to education would be fairly simple. Basically, 4 of the 18 indicators identified during the World Conference on Education for All would be used, namely:

(a) The net enrolment ratio (NER), i.e. the enrolment in primary education of the official primary school age group as a percentage of the corresponding population;

(b) The NER gender breakdown;

(c) The percentage of pupils having reached at least grade 4 of primary schooling who mastered a set of nationally defined basic learning competencies;

(d) The survival rate to grade 5, i.e. the percentage of the cohort actually reaching grade 5.

She added that such data would be collected in all States and made available by electronic means, including the Internet, within two years.

504. Ms. Gordon emphasized that traditional indicators should not be the only focus of the Committee. All factors of progress should be taken into account when measuring the realization of the right to education. These should include, for example, the existence and the success of school health programmes, the availability and affordability of educational materials, teachers' conditions of service, the quality of curricula, the access of minorities to education consistent with their human rights, the enrolment of disabled children, etc.

505. Ms. Tomasevski said that the Committee could play a pioneering role in creating human rights indicators by formulating questions that would generate data that did not currently exist. One such area was the freedom of choice within national education systems. Another related to data on children who should be at school but were excluded, often as a result of the application of internationally prohibited grounds of discrimination: girl children, minority and indigenous children and children of asylum seekers. Available enrolment data also failed to capture children over the age of 11, whose right to primary education, provided for under the Covenant, clearly should extend beyond that age.

VIII. Financial aspects

506. Most of the participants reaffirmed that the State had a primary responsibility to provide for free and compulsory primary education and that no compromise to this principle was acceptable. The State, however, could decide to comply with its obligations in partnership with other institutions.

507. As regards higher levels of education, members of the Committee emphasized that the basic standard was the one of progressive introduction of free education, as provided for in article 13 of the Covenant. This would imply that any step back taken by a State, for example by substantially increasing tuition fees or by introducing fees in public schooling institutions so far free of charge, would constitute a violation of the Covenant.

508. Ms. Tomasevski stressed the need to design a human rights strategy adapted to the process of resource allocation at the macro level, suitable for influencing investment in education as well as distribution within the education sector. In that regard, the combination of liberalization, privatization and globalization which characterized the economic policy of the 1990s had prevented the emergence of sustained political pressure in favour of investment in primary education, mainly because it was a model that aimed at achieving sustained economic growth without relying on human resources. Furthermore, resource allocation was a political process, an exercise of political rights from which primary schoolchildren and their parents were excluded. In contrast to primary schoolchildren, who exercised no political rights, students and lecturers in higher education were concentrated in capitals and main cities and constituted an articulate militant political constituency, which ensured that their interests were given high priority. The allocation of educational resources clearly reflected that situation. Thus, there was scope for the Committee to shift the debate on the

right to education by focusing on the indivisibility of rights in the context of the interplay between the economic and political rights of different groups.

509. Ms. Ogun-Bassani said that according to research conducted by UNICEF and the World Bank, it would cost approximately US$ 70 billion to get the 130 million children deprived of education into primary schools. In relative terms, that was not a very large sum of money - more or less the equivalent to what European countries spent on ice cream in 10 years. The international community had the collective responsibility to convey the message that such a goal was easily attainable. At present, a maximum of 4 per cent of official development assistance was allocated to basic education. Perhaps, in the catch-up phase, the developed world might consider increasing that percentage.

510. Ms. Cassam suggested that the Committee, because of its prestige and its independence, could play a specific role in calling for increased resource mobilization, especially from the World Bank and IMF, for countries facing acute difficulties such as the highly indebted countries and those undergoing the strictest structural adjustment measures. Some countries currently had to allocate more resources for their debt service than for education and health together. She deplored the fact that resource allocation and financial decisions were sometimes motivated by ideological choices which were opposed to the principle of universal, free and compulsory education even at the primary level.

511. Mr. Hunt noted that one of the biggest challenges to the realization of economic, social and cultural rights today related to the attitude of international financial institutions with regard to the respect of international human rights obligations. Two dimensions of accountability should be taken into consideration in this respect: that of State parties, as far as their participation in those institutions was concerned, and that of the institutions themselves.

512. There was a consensus that the new design for primary education as a private investment proposed by Mr. Kent in his background paper (E/C.12/1998/13) could be detrimental to the rights protected under the Covenant and should only be seen as an additional means of financing education, beyond the threshold of free primary education to be provided by the State. Mr. Texier commented that education could not and should not be treated as a commodity. Furthermore, Mr. Kent's proposal was based on the assumption that State education was necessarily of poor quality whereas experience had so far attested to the good quality of education in most countries.

IX. Conclusion

513. Concluding the discussion, Mr. Alston stressed the two main recommendations addressed to the Committee by participants: first, the need to explore ways and means to reinforce cooperation with all interested

partners, especially the United Nations organs, specialized agencies and treaty bodies, with a view to avoiding overlap and to promote cross-fertilization; second, the need to develop concrete proposals to use article 14 of the Covenant as a basis to translate such cooperation into practice.

514. The Chairperson also pointed out that the discussion had provided an opportunity to shed light on a number of aspects of the right to education, specially as far as it related to the principle of the indivisibility of human rights.

Chapter VI

REVIEW OF METHODS OF WORK OF THE COMMITTEE

A. Decisions adopted by the Committee at its eighteenth session

Globalization and its impact on the enjoyment of economic, social and cultural rights

515. As a result of the rich exchange that took place during the day of general discussion held on 11 May 1998 (see chap. V above, paras. 436 to 461), the Committee adopted the following statement.

> "1. On the eve of the fiftieth anniversary of the Universal Declaration of Human Rights it is essential to reflect upon the impact of globalization on the economic, social and cultural rights recognized in the Universal Declaration and further developed in the International Covenant on Economic, Social and Cultural Rights. Although it is capable of multiple and diverse definitions, globalization is a phenomenon which has wrought fundamental changes within every society.
>
> "2. It is usually defined primarily by reference to the developments in technology, communications, information processing and so on that have made the world smaller and more interdependent in very many ways. But it has also come to be closely associated with a variety of specific trends and policies, including an increasing reliance upon the free market, a significant growth in the influence of international financial markets and institutions in determining the viability of national policy priorities, a diminution in the role of the State and the size of its budget, the privatization of various functions previously considered to be the exclusive domain of the State, the deregulation of a range of activities with a view to facilitating investment and rewarding individual initiative, and a corresponding increase in the role and even responsibilities attributed to private actors, both in the corporate sector, in particular to the transnational corporations, and in civil society.
>
> "3. None of these developments in itself is necessarily incompatible with the principles of the Covenant or with the obligations of Governments thereunder. Taken together, however, and if not complemented by appropriate additional policies, globalization risks downgrading the central place accorded to human rights by the Charter of the United Nations in general and the International Bill of Human Rights in particular. This is especially the case in relation to economic, social and cultural rights. Thus, for example, respect for the right to work and the right to just and favourable conditions of work is threatened where there is an excessive emphasis upon competitiveness to the detriment of respect for the labour rights contained in the Covenant. The right to form and join trade unions may be threatened by restrictions upon freedom of association, restrictions claimed to be 'necessary' in a global economy, or by the effective exclusion of possibilities for collective bargaining or by the closing off of the right to strike for various occupational and other groups. The right of

everyone to social security might not be ensured by arrangements which rely entirely upon private contributions and private schemes. Respect for the family and for the rights of mothers and children in an era of expanded global labour markets for certain individual occupations might require new and innovative policies rather than a mere laissez-faire approach. If not supplemented by necessary safeguards, the introduction of user fees, or cost recovery policies, when applied to basic health and educational services for the poor can easily result in significantly reduced access to services which are essential for the enjoyment of the rights recognized in the Covenant. An insistence upon higher and higher levels of payment for access to artistic, cultural and heritage-related activities risks undermining the right to participation in cultural life for a significant proportion of any community.

"4. All of these risks can be guarded against, or compensated for, if appropriate policies are put in place. The Committee is concerned, however, that while much energy and many resources have been expended by Governments on promoting the trends and policies that are associated with globalization, insufficient efforts are being made to devise new or complementary approaches which could enhance the compatibility of those trends and policies with full respect for economic, social and cultural rights. Competitiveness, efficiency and economic rationalism must not be permitted to become the primary or exclusive criteria by which governmental and inter-governmental policies are evaluated.

"5. In calling for a renewed commitment to respect economic, social and cultural rights, the Committee wishes to emphasize that international organizations, as well as the Governments that have created and manage them, have a strong and continuous responsibility to take whatever measures they can to assist Governments to act in ways which are compatible with their human rights obligations and to seek to devise policies and programmes which promote respect for those rights. It is particularly important to emphasize that the realms of trade, finance and investment are in no way exempt from these general principles and that the international organizations with specific responsibilities in those areas should play a positive and constructive role in relation to human rights.

"6. Thus, for example, the Committee welcomes the increasing importance being accorded to human rights in the activities of the United Nations Development Programme and hopes that appropriate emphasis will be accorded to economic, social and cultural rights. It also welcomes the initiatives taken by the Secretary-General of the United Nations Conference on Trade and Development to explore more fully the linkages between the principal concerns of the organization and respect for the full range of human rights.

"7. The Committee calls upon the International Monetary Fund and the World Bank to pay enhanced attention in their activities to respect for economic, social and cultural rights, including through encouraging explicit recognition of these rights, assisting in the identification of country-specific benchmarks to facilitate their promotion, and facilitating the development of appropriate remedies for responding to violations. Social safety nets should be established by reference to these rights and enhanced attention should be accorded to such methods of protecting the poor and vulnerable in the context of structural adjustment programmes. Effective social monitoring should be an integral part of the enhanced financial surveillance and monitoring policies accompanying loans and credits for adjustment purposes. Similarly the World Trade Organization should devise appropriate methods to facilitate more systematic consideration of the impact upon human rights of particular trade and investment policies. In that regard the Committee urges the Secretary-General to undertake, if possible in collaboration with WTO, a careful study of the potential impact upon respect for economic, social and cultural rights of the draft multilateral agreement on investment being negotiated within OECD.

"8. Finally, the Committee emphasizes the need for the Office of the United Nations High Commissioner for Human Rights to develop an enhanced capacity to monitor and analyse trends in relation to these issues. Regular briefings should be provided to the Committee to enable it to take full account of relevant policies and trends in carrying out its responsibility for monitoring State parties' compliance with their obligations contained in the International Covenant on Economic, Social and Cultural Rights."

The incorporation of economic, social and cultural rights into the United Nations Development Assistance Framework process: comments adopted by the Committee on Economic, Social and Cultural Rights

516. The Committee, after considering the draft comments on taking economic, social and cultural rights into account in the United Nations Development Assistance Framework (UNDAF) process, adopted at its 28th meeting on 15 May 1998 the following comments.

"A. Human rights and development

"1. The Committee considers that development activities which do not contribute to respect for human rights, either directly or indirectly, are not worthy of the name. It therefore welcomes the commitment of the Secretary-General to ensure that human rights, including economic, social and cultural rights, are part of the mainstream of all United Nations activities.

"2. Similarly the Committee welcomes the statement by the United Nations High Commissioner for Human Rights to the Round-table on Human Rights and Extreme Poverty, in Geneva on 24 March 1998, in which she suggested that decisions as to appropriate priorities in the quest for development can be made easier by using the language and standards of human rights and placing the decision-making process firmly in the context of the Government's international human rights obligations. These obligations stretch also to international organizations.

"B. United Nations reform and the UNDAF process

"3. One of the most important manifestations of this new approach has been the establishment of the United Nations Development Group's Ad Hoc Working Group on the Right to Development to develop a common approach for enhancing the human rights dimension in development operations in the process of elaborating a United Nations Development Assistance Framework to apply in relation to the country-level activities of the United Nations, including in the work of UNDP, UNICEF and UNFPA. This process was initiated by the Secretary-General with a view to achieving 'goal-oriented collaboration, programmatic coherence and mutual reinforcement' 10/ and has been endorsed by the General Assembly.

"4. One of the major steps has been the development of a set of Provisional Guidelines for the process. These are currently being tested in relation to 18 countries which agreed to participate in a pilot phase. It is expected that in due course the Guidelines will be refined in the light of experience gained in this phase and will be adopted and applied generally.

"C. The place of economic, social and cultural rights in the process

"5. The Committee welcomes these steps but it notes with surprise that the Provisional Guidelines contain no explicit reference to the International Covenant on Economic, Social and Cultural Rights, although mention is made, appropriately, of the Convention on the Rights of the Child. The principal reference document that appears to be used in relation to human rights is the Declaration on the Right to Development. This Declaration is of major importance but it was not designed to be operational in a context such as this. Its great strength lies more in stating broad principles than in identifying specific measures to be taken at the country level. The Declaration rightly emphasizes the hitherto long-neglected international dimensions of human rights promotion. When addressing individual rights concerns and the matters that are of operational significance in the development process at the national level, the Declaration correctly relies upon the existing categories of rights, particularly those contained in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Thus the UNDAF process should proceed on the basis of the broad principles contained in the Declaration and add to those the operational dimension to be found in the core human rights treaties.

"6. The Committee therefore urges the United Nations High Commissioner for Human Rights and the other participants in the UNDAF process to pay particular and explicit attention to economic, social and cultural rights in general, and the framework of the International Covenant on Economic, Social and Cultural Rights in particular, in the future elaboration of the Guidelines. In this regard, attention could be given to the incorporation of these rights in the statement of objectives to be sought and the specific policy issues to be addressed. This would involve the elaboration of benchmarks for the realization of these rights and the development of specific programmes to achieve these goals in line with the human rights obligations of the States concerned. In relation to States which are parties to the Covenant, account should also be taken of any relevant concluding observations adopted by the Committee. In this regard, the Committee will henceforth include a paragraph in its concluding observations in relation to countries in which the UNDAF process is being applied that the United Nations partners should take full account of the concluding observations in their activities.

"7. In concrete terms therefore the Committee recommends that the UNDAF Guidelines be revised to:

"(a) Make specific reference to the International Covenant on Economic, Social and Cultural Rights as part of the essential framework;

"(b) Require States to establish specific benchmarks against which they propose to measure their own performance in promoting realization of economic, social and cultural rights and particularly in relation to those issues which are at the heart of the UNDAF process such as non-discrimination and the rights to adequate food, adequate housing, health care, and primary and secondary education;

"(c) Provide that the concluding observations of the six human rights treaty bodies be treated as essential reference documents in the drawing up of country-specific UNDAF strategies."

Day of general discussion

517. The Committee decided to devote the day of general discussion during its nineteenth session to the right to education (arts. 13 and 14 of the Covenant), and to aim particularly to include this discussion within the framework of the mandate of the Special Rapporteur on the right to education recently named by the Commission on Human Rights. The Committee invites the Special Rapporteur to participate in the day of general discussion on the right to education, scheduled for 30 November 1998.

B. Decisions adopted by the Committee at its nineteenth session

Fiftieth anniversary of the Universal Declaration on Human Rights: joint statement adopted by the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Human Rights Committee*

"1. The principle of the indivisibility of all human rights is a fundamental underpinning of the international consensus on human rights. The Universal Declaration of Human Rights establishes the canon of rights and freedoms to which all human beings are entitled. These rights, and their indivisibility, have been reiterated in international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The World Conference on Human Rights held in 1993 underscored the interdependence of all human rights, and emphasized that all societies should work to ensure the enjoyment by all their members of their civil, political, economic, social and cultural rights, including their right to development.

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* As adopted, to date, by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights.

"2. The principle of the equal rights of women and men is one of the pillars of the United Nations. Reflected in the Charter of the United Nations, the Universal Declaration of Human Rights and all subsequent major international human rights instruments, this principle is elaborated in the Convention on the Elimination of All Forms of Discrimination against Women. The Convention codifies women's right to non-discrimination and equality with men and also establishes that women and men are equally entitled to the full enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In so doing it reflects the principle of indivisibility of rights.

"3. The two Covenants are premised on the entitlement of all human beings, without distinction based on sex, to the rights in these instruments. They also oblige States parties to ensure the equal entitlement of women and men to the enjoyment of these rights.

"4. The 1990s have been characterized by a growing understanding of the interdependence between human rights and fundamental freedoms, sustainable development, and democracy. This decade has also witnessed renewed emphasis on women's entitlement to assert and exercise their human rights. The achievement of equality is no longer seen solely, or primarily, as the responsibility of women, but is increasingly recognized as a societal responsibility and a legal obligation assumed by States parties to international human rights instruments.

"5. The centrality of gender equality in the full enjoyment of human rights is reshaping the way in which the scope and content of human rights, and the resulting obligations for implementation, are understood.

"6. The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women recognize their critical role in increasing the understanding of gender factors in the enjoyment of human rights. They are conscious of the need to interpret creatively the human rights norms they monitor so that they can be applied to those experiences of women which differ from those of men. The Committees underline that a broader, inclusive understanding of such rights brings with it an international legal obligation for States parties to ensure to women the full enjoyment of all their human rights.

> "7. The Committee on the Elimination of Discrimination against Women provides leadership, within the United Nations human rights treaty bodies, in the elaboration of a human rights concept that takes gender into account. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights increasingly consider the impact of gender on the enjoyment of rights protected under the two Covenants, in the consideration of the reports of States parties, in concluding comments and general comments and recommendations.
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> "8. Unfortunately, the principles of the indivisibility of all human rights and the equality of all rights of men and women are still far from being reality: civil and political rights are too often given precedence over economic, social and cultural rights and real equality between men and women exists in no country.
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> "9. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women reaffirm their individual and joint responsibility to contribute to the enjoyment of all human rights by all members of society, as foreseen in the Declaration upon which they are based. To that end, they pledge to increase their efforts to assess factors and obstacles that impinge on women's enjoyment of their civil, political, economic, social, cultural and other rights and to suggest specific actions on how such obstacles might be overcome so that full enjoyment of human rights by all, without discrimination, may be realized."

Day of general discussion

518. In accordance with the decision taken at its eighteenth session, the Committee held its day of general discussion on the right to education as enshrined in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights on 30 November 1998 (see chap. V above, paras. 462 to 514). Particular effort was made to relate the discussion to the work of the Special Rapporteur of the Commission on Human Rights, who participated in the discussion.

519. At its twentieth session, the Committee will devote its day of general discussion to the consideration of the draft general comments on the right to education: "Plan of action for primary education" (art. 14 of the Covenant) and "Right to education" (art. 13 of the Covenant).

Follow-up to the day of general discussion on the right to education

520. The Committee devoted its day of general discussion at its nineteenth session to the right to education (arts. 13 and 14 of the Covenant). For the first time in the history of the human rights treaty-body system, participants included a Special Rapporteur of the Commission on Human Rights,

Ms. Katarina Tomasevski, and a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Mustapha Mehedi, in addition to representatives of UNDP, UNESCO, UNICEF, non-governmental organizations and independent experts.

521. Among the issues raised during the discussion were, first, the use of indicators and benchmarks as a means of measuring the progress of States parties in relation to the right to education and, secondly, the need for closer cooperation between United Nations bodies concerned with the realization of the right to education.

522. Accordingly, given the importance of these issues, the Committee requests the Office of the United Nations High Commissioner for Human Rights to consider the possibility of organizing a workshop to identify key benchmarks and indicators in relation to the right to education which might be utilized by the Committee, as well as other United Nations treaty bodies and human rights organs, specialized agencies and programmes. The workshop participants should include representatives of this Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNDP, UNESCO, UNICEF, and the World Bank.

523. The Committee considered that such a workshop might in fact be the first of a series of meetings designed to identify key benchmarks and indicators in relation to each of the rights of the Covenant.

Plan of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (work plan of the expert assistance staff member as adopted by the Committee at its nineteenth session)

524. The Committee has set out a number of considerations which underlie the responsibilities of the expert assistance staff member.

525. First, it must be borne in mind that the scope of the work should primarily encompass technical and substantive assistance to the Committee.

526. Secondly, it is emphasized that the position has been called for in the Plan of Action as an addition to the existing support provided to the Committee by the Secretariat. Filling the position should not lead to a decrease of the support presently furnished, which, *inter alia*, would lead to an increased workload for the Secretary of the Committee.

527. Thirdly, the Committee is of the opinion that adequate material requirements are to be met, with a view to facilitating the incumbent's work.

528. Fourthly, the incumbent is to report to the Committee at each session on the tasks undertaken and the results thereof.

529. Finally, in the Committee's view, it must be taken into account that the level of expertise provided by the incumbent is reflected in the Professional

level afforded to the position, in order to ensure the fulfilment of the incumbent's substantive tasks. The main objectives are to provide expert support and advice to the Committee's work by establishing foundations for the long-term improvement of the Covenant's monitoring system. To serve these objectives, the following tasks have been envisaged:

(a) Information:

- collection, analysis and synthesis of information regarding both reporting States parties and non-reporting States parties;

- collection, analysis and synthesis of information from other sources, in particular from national and international NGOs;
- timely, systematic and orderly provision of information to the members of the Committee, and notably to the country rapporteurs, before, between and during sessions;

(b) Consideration of reports:

- analysis of a limited number of country reports from States parties for the purpose of consideration by the Committee;

- analysis of the situation of at least one non-reporting State party for each session of the Committee, on the basis of the information from all available sources;

(c) Follow-up:

- follow-up and monitoring of government measures taken on the basis of Committee recommendations and suggestions formulated in its concluding observations;

- monitoring and analysis of the extent of progress made by States parties over time;

(d) Other substantive responsibilities:

- Preparation of substantive papers for the consideration of the Committee, such as (draft) general comments and papers for the purpose of the days of general discussion.

Chapter VII

ADOPTION OF THE REPORT

530. At its 57th meeting on 4 December 1998, the Committee considered its draft report to the Economic and Social Council on the work of its eighteenth and nineteenth sessions (E/C.12/1998/CRP.1 and Add.1-3, and E/C.12/1998/CRP.2 and Add.1). The Committee adopted the report as amended in the course of the discussion.

Notes

1/ See E/1996/22, chap. I, draft resolution (Annual sessions of the Committee on Economic, Social and Cultural Rights).

2/ E/1991/23, annex IV.

3/ See E/1988/14, para. 361.

4/ E/1998/22, annex IV.

5/ E/1991/23, annex III.

6/ E/1992/23, annex III.

7/ See E/1994/23, paras. 90 to 121.

8/ E/1995/22, annex IV.

9/ Final report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

10/ See A/51/950, para. 161, decision 10.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS
(as at 31 December 1998)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46-48)			Overdue		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.31, 32, 35 and 37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (Pending consideration)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (Pending consideration)					
7. Australia*	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12 and 13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13 and 14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria**	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3 and 4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6 and 7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14 and 15)	Overdue		

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
11. Belarus*	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9 and 10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.8 (Pending consideration)		
13. Benin	12 June 1992	Overdue					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Overdue					
16. Brazil	24 April 1992	Overdue					
17. Bulgaria*	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Overdue					
20. Cameroon	27 September 1984	E/1990/5/Add.35 (Pending consideration)	E/1986/3/Add.8 (E/C.12/1989/ SR.6 and 7)	E/1990/5/Add.35 (Pending consideration)			
21. Canada*	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1 and 2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18)	
22. Cape Verde	6 November 1993	Overdue					
23. Central African Republic	8 August 1981	Overdue					
24. Chad	9 September 1995	Overdue					
25. Chile***	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8 and 9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12, 13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11 and 12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12,13 and 16)	Overdue

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
26. Colombia*	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
27. Congo	5 January 1984	Overdue					
28. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
29. Côte d'Ivoire	26 June 1992	Overdue					
30. Croatia	8 October 1991	Overdue					
31. Cyprus*	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7 and 8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	
32. Czech Republic	1 January 1993	Overdue					
33. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21 and 22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21 and 22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
34. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18 (E/C.12/1988/SR.16-19)	E/1986/3/Add.7	E/1982/3/Add.41	Overdue		
35. Denmark*	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8 and 9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8 and 9)	
36. Dominica	17 September 1993	Overdue					
37. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30 and E/C.12/1997/SR.29-31)		
38. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4 and 5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
39. Egypt	14 April 1982	E/1990/5/Add.38 (Pending consideration)					

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
40. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16 and 18)			Overdue		
41. Equatorial Guinea	25 December 1987	Overdue					
42. Estonia	21 January 1992	Overdue					
43. Ethiopia	11 September 1993	Overdue					
44. Finland*	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7 and 8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17 and 18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8, 9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
45. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18, 19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12 and 13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
46. Gabon	21 April 1983	Overdue					
47. Gambia	29 March 1979	Overdue					
48. Georgia	3 August 1994	E/1990/5/Add.37 (Pending consideration)					
49. Germany*	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5 and 6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17 and 18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22, 23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19 and 20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
50. Greece	16 August 1985	Overdue					
51. Grenada	6 December 1991	Overdue					
52. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			Overdue		
53. Guinea	24 April 1978	Overdue					
54. Guinea-Bissau	2 October 1992	Overdue					

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
55. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
56. Honduras	17 May 1981	E/1990/5/Add.40 (Pending consideration)					
57. Hungary***	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6, 7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6, 7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)
58. Iceland	22 November 1979	E/1990/5/Add.6 and 14 (E/C.12/1993/SR.29-31 and 46)			E/1990/6/Add.15 (Pending consideration)		
59. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16, 17 and 19)	Overdue		
60. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue		
61. Iraq*	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3 and 4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
62. Ireland	8 March 1990	E/1990/5/Add.34 (Pending consideration)					
63. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31-33)					
64. Italy*	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3 and 4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
65. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
66. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9 and 10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20, 21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12 and 13)	E/1990/6/Add.21 (Pending consideration)		
67. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (Pending consideration)		
68. Kenya	3 January 1976	E/1990/5/Add.17					
69. Kuwait	31 August 1996	Overdue					
70. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (Pending consideration)					
71. Latvia	14 July 1992	Overdue					
72. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
73. Lesotho	9 December 1992	Overdue					
74. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20 and 21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16 and 17)	Overdue		
75. Lithuania	20 February 1992	Overdue					
76. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48 and 49)		
77. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2, 3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
78. Malawi	22 March 1994	Overdue					
79. Mali	3 January 1976	Overdue					
80. Malta	13 December 1990	Overdue					
81. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)			Overdue		

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
82. Mexico*	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14 and 15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
83. Monaco	28 November 1997	Due on 30 June 1999					
84. Mongolia*	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8 and 9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15 and 16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
85. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			E/1990/6/Add.20		
86. Namibia	28 February 1995	Overdue					
87. Nepal	14 August 1991	Overdue					
88. Netherlands**	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5 and 6, and E/C.12/1989/ SR.14 and 15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18 and E/C.12/1989/ SR.14 and 15)	E/1990/6/Add.11 -13 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14 and 15)	E/1990/6/Add.11-13 (E/C.12/1998/ SR.13-17)
89. New Zealand	28 March 1979	E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24-26 and 40)			Overdue		
90. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16, 17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
91. Niger	7 June 1986	Overdue					
92. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-8)					
93. Norway*	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14 and 15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
94. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
95. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)					
96. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/ SR.14-17)		Overdue		
97. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8, 9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
98. Poland*	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18 and 19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9 and 10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5 and 6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
99. Portugal*	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8 and 10) E/1990/6/Add.8 (Macao) (E/C.12/1996/SR.31-33)		
100. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)			Overdue		
101. Republic of Moldova	26 March 1993	Overdue					
102. Romania***	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16 and 17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17 and 18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13
103. Russian Federation*	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14 and 15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11 and 12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9 and 10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
104. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
105. Saint Vincent and the Grenadines	9 February 1982	Overdue					
106. San Marino	18 January 1986	Overdue					
107. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	Overdue		
108. Seychelles	5 August 1992	Overdue					
109. Sierra Leone	23 November 1996	Overdue					
110. Slovakia	28 May 1993	Overdue					
111. Slovenia	6 July 1992	Overdue					
112. Solomon Islands	17 March 1982	Overdue					
113. Somalia	24 April 1990	Overdue					
114. Spain*	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10 and 11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
115. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3-5)					
116. Sudan	18 June 1986	E/1990/5/Add.41 (Pending consideration)					
117. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13, 15, 16)			Overdue		
118. Sweden*	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19 and 20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10 and 11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
119. Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37-39)					

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
120. Syrian Arab Republic***	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
121. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
122. Togo	24 August 1984	Overdue					
123. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11	E/1988/5/Add.1	Overdue		
		(E/C.12/1989/SR.17-19)					
124. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5 and 6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (Pending consideration)		
125. Turkmenistan	1 August 1997	Due on 30 June 1999					
126. Uganda	21 April 1987	Overdue					
127. Ukraine*	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5 and 6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11 and 12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
128. United Kingdom of Great Britain and Northern Ireland*	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1, and Add.26 (E/1981/WG.1/ SR.16 and 17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16 and 17) E/1986/4/Add.27 and 28 (E/C.12/1994/ SR.33, 34, 36 and 37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33, 34, 36 and 37)
129. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
130. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
131. Uzbekistan	28 December 1995	Overdue					
132. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7, 8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	E/1990/6/Add.19 (Pending consideration)		
133. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
134. Yemen	9 May 1987	Overdue					
135. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4 and 5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14 and 15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	E/1990/6/Add.22 (Pending consideration)	
136. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4, 5 and 7)	Overdue			
137. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14/Add.1)			Overdue		

* The third periodic report of Sweden (E/1994/104/Add.1) was considered at the twelfth session (E/C.12/1995/SR.13/Add.1, 15/Add.1 and 16); the third periodic report of Colombia (E/1994/104/Add.2) was considered at the thirteenth session (E/C.12/1995/SR.32, 33 and 35); the third periodic report of Norway (E/1994/104/Add.3) was considered at the thirteenth session (E/C.12/1995/SR.34, 36 and 37); the third periodic report of Ukraine (E/1994/104/Add.4) was considered at the thirteenth session (E/C.12/1995/SR.42, 44 and 45); the third periodic report of Spain (E/1994/104/Add.5) was considered at the fourteenth session (E/C.12/1996/SR.3, 5 to 7); the third periodic report of Belarus (E/1994/104/Add.6) was considered at the fifteenth session (E/C.12/1996/SR.34-36); the third periodic report of Finland (E/1994/104/Add.7) was considered at the fifteenth session (E/C.12/1996/SR.37, 38 and 40); the third periodic report of the Russian Federation (E/1994/104/Add.8) was considered at the sixteenth session (E/C.12/1997/SR.11-14); the third periodic report of Iraq (E/1994/104/Add.9) was considered at the seventeenth session (E/C.12/1997/SR.33-35); the third periodic report of the United Kingdom of Great Britain and Northern Ireland (Hong Kong) [E/1994/104/Add.10] was considered at the fifteenth session (E/C.12/1996/SR.39, 41, 42 and 44); the third periodic report of the United Kingdom of Great Britain and Northern Ireland (E/1994/104/Add.11) was considered at the seventeenth session (E/C.12/1997/SR.36-38); the third periodic report of Cyprus (E/1994/104/Add.12) was considered at the nineteenth session (E/C.12/1998/SR.34-36); the third periodic report of Poland (E/1994/104/Add.13) was considered at the eighteenth session (E/C.12/1998/SR.10-12); the third periodic report of Germany (E/1994/104/Add.14) was considered at the nineteenth session (E/C.12/1998/SR.40-42); the third periodic report of Denmark was received on 12 August 1996 (E/1994/104/Add.15); the third periodic report of Bulgaria was received on 19 September 1996 (E/1994/104/Add.16); the third periodic report of Canada (E/1994/104/Add.17) was considered at the nineteenth session (E/C.12/1998/SR.46-48); the third periodic report of Mexico was received on 18 July 1997 (E/1994/104/Add.18); the third periodic report of Italy was received on 20 October 1997 (E/1994/104/Add.19); the third periodic report of Portugal was received on 28 November 1997 (E/1994/104/Add.20); the third periodic report of Mongolia was received on 20 April 1998 (E/1994/104/Add.21); the third periodic report of Australia was received on 15 June 1998 (E/1994/104/Add.22).

** The third periodic report, which was due on 30 June 1997, has not yet been received.

*** The third periodic report, which was due on 30 June 1994, has not yet been received.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mr. Ade ADEKUOYE	Nigeria	1998
Mr. Mahmoud Samir AHMED	Egypt	1998
Mr. Philip ALSTON	Australia	1998
Mr. Ivan ANTANOVICH	Belarus	2000
Ms. Virginia BONOAN-DANDAN	Philippines	1998
Mr. Dumitru CEAUSU	Romania	2000
Mr. Oscar CEVILLE	Panama	2000
Mr. Abdessatar GRISSA	Tunisia	2000
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO	Spain	2000
Mr. Valeri KOUZNETSOV	Russian Federation	1998
Mr. Jaime MARCHÁN ROMERO	Ecuador	1998
Mr. Ariranga Govindasamy PILLAY	Mauritius	2000
Mr. Kenneth Osborne RATTRAY	Jamaica	2000
Mr. Eibe RIEDEL	Germany	1998
Mr. Waleed M. SADI	Jordan	2000
Mr. Philippe TEXIER	France	2000
Mr. Nutan THAPALIA	Nepal	1998
Mr. Javier WIMER ZAMBRANO	Mexico	1998

Annex III

A. AGENDA OF THE EIGHTEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (27 April-15 May 1998)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. General discussion: "Globalization and its impact on the enjoyment of economic and social rights".

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

B. AGENDA OF THE NINETEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (16 November-4 December 1998)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. General discussion: "The right to education (articles 13 and 14 of the Covenant)".

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

10. Report of the Committee to the Economic and Social Council.

Annex IV

GENERAL COMMENT NO. 9 (1998)*

Domestic application of the Covenant

A. The duty to give effect to the Covenant in the domestic legal order

1. In its General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant) a/ the Committee addressed issues relating to the nature and scope of States parties' obligations. The present General Comment seeks to elaborate further certain elements of the earlier statement. The central obligation in relation to the Covenant is for States parties to give effect to the rights recognized therein. By requiring Governments to do so "by all appropriate means", the Covenant adopts a broad and flexible approach which enables the particularities of the legal and administrative systems of each State, as well as other relevant considerations, to be taken into account.

2. But this flexibility coexists with the obligation upon each State party to use all the means at its disposal to give effect to the rights recognized in the Covenant. In this respect, the fundamental requirements of international human rights law must be borne in mind. Thus the Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place.

3. Questions relating to the domestic application of the Covenant must be considered in the light of two principles of international law. The first, as reflected in article 27 of the Vienna Convention on the Law of Treaties, b/ is that "[A] party may not invoke the provisions of its internal law as justification for its failure to perform a treaty". In other words, States should modify the domestic legal order as necessary in order to give effect to their treaty obligations. The second principle is reflected in article 8 of the Universal Declaration of Human Rights, according to which "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." The International Covenant on Economic, Social and Cultural Rights contains no direct counterpart to article 2, paragraph 3 (b), of the International Covenant on Civil and Political Rights, which obligates States parties to, *inter alia*, "develop the possibilities of judicial remedy". Nevertheless, a State party seeking to justify its failure to provide any domestic legal remedies for violations of economic, social and cultural rights would need to show either that such remedies are not "appropriate means" within the terms of article 2, paragraph 1, of the International Covenant on Economic, Cultural and Social Rights or that, in view of the other means used, they are unnecessary. It will be difficult to show this and the Committee considers that, in many cases, the other means used could be rendered ineffective if they are not reinforced or complemented by judicial remedies.

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* Adopted at its nineteenth session (51st meeting), on 1 December 1998.

B. The status of the Covenant in the domestic legal order

4. In general, legally binding international human rights standards should operate directly and immediately within the domestic legal system of each State party, thereby enabling individuals to seek enforcement of their rights before national courts and tribunals. The rule requiring the exhaustion of domestic remedies reinforces the primacy of national remedies in this respect. The existence and further development of international procedures for the pursuit of individual claims is important, but such procedures are ultimately only supplementary to effective national remedies.

5. The Covenant does not stipulate the specific means by which it is to be implemented in the national legal order. And there is no provision obligating its comprehensive incorporation or requiring it to be accorded any specific type of status in national law. Although the precise method by which Covenant rights are given effect in national law is a matter for each State party to decide, the means used should be appropriate in the sense of producing results which are consistent with the full discharge of its obligations by the State party. The means chosen are also subject to review as part of the Committee's examination of the State party's compliance with its obligations under the Covenant.

6. An analysis of State practice with respect to the Covenant shows that States have used a variety of approaches. Some States have failed to do anything specific at all. Of those that have taken measures, some States have transformed the Covenant into domestic law by supplementing or amending existing legislation, without invoking the specific terms of the Covenant. Others have adopted or incorporated it into domestic law, so that its terms are retained intact and given formal validity in the national legal order. This has often been done by means of constitutional provisions according priority to the provisions of international human rights treaties over any inconsistent domestic laws. The approach of States to the Covenant depends significantly upon the approach adopted to treaties in general in the domestic legal order.

7. But whatever the preferred methodology, several principles follow from the duty to give effect to the Covenant and must therefore be respected. First, the means of implementation chosen must be adequate to ensure fulfilment of the obligations under the Covenant. The need to ensure justiciability (see para. 10 below) is relevant when determining the best way to give domestic legal effect to the Covenant rights. Second, account should be taken of the means which have proved to be most effective in the country concerned in ensuring the protection of other human rights. Where the means used to give effect to the Covenant on Economic, Social and Cultural Rights differ significantly from those used in relation to other human rights treaties, there should be a compelling justification for this, taking account of the fact that the formulations used in the Covenant are, to a considerable extent, comparable to those used in treaties dealing with civil and political rights.

8. Third, while the Covenant does not formally oblige States to incorporate its provisions in domestic law, such an approach is desirable. Direct incorporation avoids problems that might arise in the translation of treaty obligations into national law, and provides a basis for the direct invocation

of the Covenant rights by individuals in national courts. For these reasons, the Committee strongly encourages formal adoption or incorporation of the Covenant in national law.

C. The role of legal remedies

Legal or judicial remedies?

9. The right to an effective remedy need not be interpreted as always requiring a judicial remedy. Administrative remedies will, in many cases, be adequate and those living within the jurisdiction of a State party have a legitimate expectation, based on the principle of good faith, that all administrative authorities will take account of the requirements of the Covenant in their decision-making. Any such administrative remedies should be accessible, affordable, timely and effective. An ultimate right of judicial appeal from administrative procedures of this type would also often be appropriate. By the same token, there are some obligations, such as (but by no means limited to) those concerning non-discrimination, c/ in relation to which the provision of some form of judicial remedy would seem indispensable in order to satisfy the requirements of the Covenant. In other words, whenever a Covenant right cannot be made fully effective without some role for the judiciary, judicial remedies are necessary.

Justiciability

10. In relation to civil and political rights, it is generally taken for granted that judicial remedies for violations are essential. Regrettably, the contrary assumption is too often made in relation to economic, social and cultural rights. This discrepancy is not warranted either by the nature of the rights or by the relevant Covenant provisions. The Committee has already made clear that it considers many of the provisions in the Covenant to be capable of immediate implementation. Thus, in General Comment No. 3 (1990) it cited, by way of example, articles 3; 7, paragraph (a)(i); 8; 10, paragraph 3; 13, paragraph 2 (a); 13, paragraph 3; 13, paragraph 4; and 15, paragraph 3. It is important in this regard to distinguish between justiciability (which refers to those matters which are appropriately resolved by the courts) and norms which are self-executing (capable of being applied by courts without further elaboration). While the general approach of each legal system needs to be taken into account, there is no Covenant right which could not, in the great majority of systems, be considered to possess at least some significant justiciable dimensions. It is sometimes suggested that matters involving the allocation of resources should be left to the political authorities rather than the courts. While the respective competences of the various branches of government must be respected, it is appropriate to acknowledge that courts are generally already involved in a considerable range of matters which have important resource implications. The adoption of a rigid classification of economic, social and cultural rights which puts them, by definition, beyond the reach of the courts would thus be arbitrary and incompatible with the principle that the two sets of human rights are indivisible and interdependent. It would also drastically curtail the capacity of the courts to protect the rights of the most vulnerable and disadvantaged groups in society.

Self-executing

11. The Covenant does not negate the possibility that the rights it contains may be considered self-executing in systems where that option is provided for. Indeed, when it was being drafted, attempts to include a specific provision in the Covenant to the effect that it be considered "non-self-executing" were strongly rejected. In most States, the determination of whether or not a treaty provision is self-executing will be a matter for the courts, not the executive or the legislature. In order to perform that function effectively, the relevant courts and tribunals must be made aware of the nature and implications of the Covenant and of the important role of judicial remedies in its implementation. Thus, for example, when governments are involved in court proceedings, they should promote interpretations of domestic laws which give effect to their Covenant obligations. Similarly, judicial training should take full account of the justiciability of the Covenant. It is especially important to avoid any a priori assumption that the norms should be considered to be non-self-executing. In fact, many of them are stated in terms which are at least as clear and specific as those in other human rights treaties, the provisions of which are regularly deemed by courts to be self-executing.

D. The treatment of the Covenant in domestic courts

12. In the Committee's guidelines for States' reports, States are requested to provide information as to whether the provisions of the Covenant "can be invoked before, and directly enforced by, the Courts, other tribunals or administrative authorities". d/ Some States have provided such information, but greater importance should be attached to this element in future reports. In particular, the Committee requests that States parties provide details of any significant jurisprudence from their domestic courts that makes use of the provisions of the Covenant.

13. On the basis of available information, it is clear that State practice is mixed. The Committee notes that some courts have applied the provisions of the Covenant either directly or as interpretive standards. Other courts are willing to acknowledge, in principle, the relevance of the Covenant for interpreting domestic law, but in practice, the impact of the Covenant on the reasoning or outcome of cases is very limited. Still other courts have refused to give any degree of legal effect to the Covenant in cases in which individuals have sought to rely on it. There remains extensive scope for the courts in most countries to place greater reliance upon the Covenant.

14. Within the limits of the appropriate exercise of their functions of judicial review, courts should take account of Covenant rights where this is necessary to ensure that the State's conduct is consistent with its obligations under the Covenant. Neglect by the courts of this responsibility is incompatible with the principle of the rule of law, which must always be taken to include respect for international human rights obligations.

15. It is generally accepted that domestic law should be interpreted as far as possible in a way which conforms to a State's international legal obligations. Thus, when a domestic decision maker is faced with a choice between an interpretation of domestic law that would place the state in breach of the Covenant and one that would enable the State to comply with the Covenant, international law requires the choice of the latter. Guarantees of

equality and non-discrimination should be interpreted, to the greatest extent possible, in ways which facilitate the full protection of economic, social and cultural rights.

Notes

a/ E/1991/23, annex III.

b/ United Nations, Treaty Series, vol. 1155, page 331.

c/ Pursuant to article 2, paragraph 2, of the Covenant, States "undertake to guarantee" that the rights therein are exercised "without discrimination of any kind".

d/ See E/1991/23, annex IV, chapter A, paragraph 1 (d)(iv).

Annex V

GENERAL COMMENT NO. 10 (1998)*

The role of national human rights institutions in the protection of economic, social and cultural rights

1. Article 2, paragraph 1, of the Covenant obligates each State party "to take steps ... with a view to achieving progressively the full realization of the [Covenant] rights ... by all appropriate means". The Committee notes that one such means, through which important steps can be taken, is the work of national institutions for the promotion and protection of human rights. In recent years there has been a proliferation of these institutions and the trend has been strongly encouraged by the General Assembly and the Commission on Human Rights. The Office of the United Nations High Commissioner for Human Rights has established a major programme to assist and encourage States in relation to national institutions.

2. These institutions range from national human rights commissions through Ombudsman offices, public interest or other human rights "advocates", to *defensores del pueblo*. In many cases, the institution has been established by the Government, enjoys an important degree of autonomy from the executive and the legislature, takes full account of international human rights standards which are applicable to the country concerned, and is mandated to perform various activities designed to promote and protect human rights. Such institutions have been established in States with widely differing legal cultures and regardless of their economic situation.

3. The Committee notes that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights. Unfortunately, this role has too often either not been accorded to the institution or has been neglected or given a low priority by it. It is therefore essential that full attention be given to economic, social and cultural rights in all of the relevant activities of these institutions. The following list is indicative of the types of activities that can be, and in some instances already have been, undertaken by national institutions in relation to these rights:

(a) The promotion of educational and information programmes designed to enhance awareness and understanding of economic, social and cultural rights, both within the population at large and among particular groups such as the public service, the judiciary, the private sector and the labour movement;

(b) The scrutinizing of existing laws and administrative acts, as well as draft bills and other proposals, to ensure that they are consistent with the requirements of the International Covenant on Economic, Social and Cultural Rights;

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* Adopted at the nineteenth session (51st meeting), on 1 December 1998.

(c) Providing technical advice, or undertaking surveys in relation to economic, social and cultural rights, including at the request of the public authorities or other appropriate agencies;

(d) The identification of national-level benchmarks against which the realization of Covenant obligations can be measured;

(e) Conducting research and inquiries designed to ascertain the extent to which particular economic, social and cultural rights are being realized, either within the State as a whole or in areas or in relation to communities of particular vulnerability;

(f) Monitoring compliance with specific rights recognized under the Covenant and providing reports thereon to the public authorities and civil society; and

(g) Examining complaints alleging infringements of applicable economic, social and cultural rights standards within the State.

4. The Committee calls upon States parties to ensure that the mandates accorded to all national human rights institutions include appropriate attention to economic, social and cultural rights and requests States parties to include details of both the mandates and the principal relevant activities of such institutions in their reports submitted to the Committee.

Annex VI

A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS EIGHTEENTH SESSION

SRI LANKA	Representative:	Mr. Hewa S. Palihakkara Ambassador Permanent Representative of Sri Lanka to the United Nations Office at Geneva
	Advisers:	Mr. C. Maliyadde Additional Secretary Ministry of Plan Implementation and Parliamentary Affairs
		Ms. V. Jegarajasingham Additional Secretary Ministry of Social Services
		Ms. Lalani Perera Additional Secretary Ministry of Justice
		Ms. Aruni Wijewardena Deputy Director Ministry of Foreign Affairs
		Mr. Sudantha S. Ganegama Arachchi First Secretary Permanent Mission of Sri Lanka to the United Nations Office at Geneva
NIGERIA	Representative:	Mr. Christopher A. Osah Minister, Chargé d'affaires Permanent Mission of Nigeria to the United Nations Office at Geneva
	Advisers:	Mr. Adamu Hassan Counsellor Permanent Mission of Nigeria to the United Nations Office at Geneva
		Mr. Felix Onochie Idigbe Counsellor Permanent Mission of Nigeria to the United Nations Office at Geneva

Mr. Abdullah S. Ahmed
Labour Representative
Permanent Mission of Nigeria
to the United Nations Office
at Geneva

POLAND

Representative:

Ms. Irena Boruta
Under-Secretary of State
Ministry of Labour and
Social Policy

Advisers:

Mr. Krzysztof Jakubowski
Ambassador
Permanent Representative
of Poland to the
United Nations Office at Geneva

Mr. Krzysztof Drzewicki
Ambassador Plenipotentiary
Ministry of Foreign Affairs

Mr. Michal Sobolewski
Director
Department for Health Care
Ministry of Health and
Social Security

Ms. Maria Dabrowska
Senior Expert, Legal Office
Ministry of Culture and the Arts

Ms. Joanna Topinska
Senior Expert
Department of International
Cooperation
Ministry of National Education

Mr. Jerzy Ciechanski
Adviser to the Minister
Ministry of Labour and
Social Policy

Ms. Teresa Guzelf
Senior Expert
Ministry of Labour and
Social Policy

Ms. Zofia Neubauer
Senior Expert
Ministry of Labour and
Social Policy

		Mr. Miroslaw Wajda International Office All-Poland Trade Unions Alliance
		Mr. Remigiusz Achilles Henczel Counsellor Permanent Mission of Poland to the United Nations Office at Geneva
		Mr. Jacek Tyszko First Secretary Permanent Mission of Poland to the United Nations Office at Geneva
NETHERLANDS	Representative:	Mr. P.C. Potman Ministry of Foreign Affairs
	Advisers:	Mr. H.S. van Eyk Ministry of Housing, Spacial Planning and the Environment
		Ms. C.J. Staal Ministry of Social Affairs and Employment
		Ms. A. Goris Ministry of Public Health, Welfare and Sports
		Mr. G. Corion Bureau for Foreign Relations Netherlands Antilles

B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS NINETEENTH SESSION

ISRAEL	Representative:	Mr. David Peleg Ambassador Extraordinary and Plenipotentiary Permanent Representative of Israel to the United Nations Office at Geneva
	Advisers:	Mr. Malkiel Blass High Court Division State Attorney's Office Ministry of Justice

		Mr. Michael Atlan Head of Department Office of the Legal Adviser Ministry of Labour and Social Affairs
		Mr. Alexandre Galilee Minister Counsellor Deputy Permanent Representative of Israel to the United Nations Office at Geneva
		Mr. Yuval Shany Consultant to the Ministry of Justice
		Ms. Ady Schonmann Office of the Legal Adviser Ministry of Foreign Affairs
CYPRUS	Representative:	Mr. Petros Eftychiou Ambassador Permanent Representative of the Mission of Cyprus to the United Nations Office at Geneva
	Advisers:	Ms. Eleni Loizidou Counsel of the Republic Legal Department
		Dr. Chrystalla Hadjianatasiou Chief Medical Officer Ministry of Health
		Ms. Loulla Theodorou Director of Social and Welfare Services Ministry of Labour and Social Insurance
		Mr. Tryphon Pneumaticos Chief Education Officer Department of Higher and Tertiary Education Ministry of Education and Culture
		Mr. Petros Kestoras Deputy Permanent Representative Mission of Cyprus to the United Nations Office at Geneva

SWITZERLAND

Representative:

Mr. Jean-Jacques Elmiger
Ambassador, Chief of Delegation
Federal Office of Economic
Development and Employment
Federal Department of Economic
Affairs

Alternate:

Ms. Elisabeth Imesch
Chief of Section
Federal Office of Social Security
Federal Department of the Interior

Advisers:

Ms. Patricia Schulz
Director
Federal Bureau for Equality
between Women and Men
Federal Department of the
Interior

Mr. Martin Büechi
Chief of Section
Federal Office of Public Health
Federal Department of the
Interior

Ms. Nathalie Kocherhans
Scientific Officer
Federal Office of Economic
Development and Employment
Federal Department of Economic
Affairs

Ms. Eva Kornicker Uhlmann
Scientific Officer
International Public Law Division
Federal Department of Foreign
Affairs

Ms. Maria Peyro
Scientific Officer
Federal Office of Economic
Development and Employment
Federal Department of Economic
Affairs

Mr. Martin Wyss
Scientific Officer
Federal Office of Justice
Federal Department of Justice and
Police

Mr. Pierre Luisoni
Swiss Conference of Cantonal
Directors of Public Education

		Ms. Dominique Petter First Secretary Permanent Mission of Switzerland to the International Organizations in Geneva
GERMANY	Representative:	Mr. Wilhelm Höynck Ambassador, Permanent Representative Mission of Germany to the United Nations Office at Geneva
	Advisers:	Mr. Dietrich Willers Head of Division Federal Ministry of Labour and Social Affairs
		Mr. Michael Schaefer First Counsellor Permanent Mission of Germany to the United Nations Office at Geneva
		Mr. Ulrich Weinbrenner Assistant Head of Division Federal Ministry of the Interior
CANADA	Representative:	Mr. Mark Moher Chief of Delegation, Ambassador and Alternate Permanent Representative Mission of Canada to the United Nations Office at Geneva
	Advisers:	Mr. Kerry Buck Deputy Director Human Rights, Humanitarian Affairs and International Promotion of Women Directorate Department of Foreign Affairs and International Trade
		Ms. Monique Charron Director Policy and Planning Division Medical Services Branch Health Canada
		Mr. Normand Duern Senior Officer (International Instruments) Human Rights Directorate Heritage Canada

Ms. Johanne Levasseur
Counsel
Human Rights Law Section
Department of Justice

Mr. Robet Mundie
Assistant Director
Children's Task Team
Social Policy Directorate
Human Resources Development
Canada

Ms. Marilyn Whitaker
Director
International Relations
Indian and Northern Affairs
Canada

Observers:

Mr. Christian Deslauriers
Counsellor
Ministry of International Relations
Government of Quebec

Mr. Marco de Nicolini
Ministry of International Relations
Government of Quebec

Annex VII

A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS EIGHTEENTH SESSION

E/1990/5/Add.31	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Nigeria
E/1990/5/Add.32	*Idem*: Sri Lanka
E/1990/6/Add.11	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Netherlands
E/1990/6/Add.12	*Idem*: Netherlands (Netherlands Antilles)
E/1990/6/Add.13	*Idem*: Netherlands (Aruba)
E/1994/104/Add.13	Third periodic reports by States parties to the Covenant concerning rights covered by articles 1 to 15: Poland
E/1998/17	Note by the Secretary-General: twenty-fourth report of the International Labour Organization
E/1998/22	Report of the Committee on Economic, Social and Cultural Rights on its sixteenth and seventeenth sessions
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.1	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1998/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1998/2	States parties to the Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1998/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the Secretariat
E/C.12/1998/8	Day of general discussion: Globalization and its impact on the enjoyment of economic, social and cultural rights. The ILO, standard-setting and globalization: background paper submitted by the International Labour Organization

E/C.12/1998/L.1	Programme of work: note by the Secretary-General
E/C.12/1998/NGO/1	Written statement submitted by the Netherlands section of the International Committee of Jurists, a non-governmental organization with special consultative status
E/C.12/1998/NGO/2	Written statement submitted by the Federation for Women and Family Planning (Poland) and the International Family Planning Federation, a non-governmental organization with general consultative status
E/C.12/Q/NET/1	List of issues: Netherlands
E/C.12/Q/NIGERIA/1	*Idem*: Nigeria
E/C.12/Q/POL/1	*Idem*: Poland
E/C.12/Q/SRI/1	*Idem*: Sri Lanka
E/C.12/1	Concluding observations of the Committee on Economic, Social and Cultural Rights on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1/Add.23	Concluding observations of the Committee on Economic, Social and Cultural Rights: Nigeria
E/C.12/1/Add.24	*Idem*: Sri Lanka
E/C.12/1/Add.25	*Idem*: Netherlands
E/C.12/1/Add.26	*Idem*: Poland
E/C.12/1998/ SR.1-28/Add.1 and E/C.12/1998/ SR.1-28/Add.1/Corr.	Summary records of the eighteenth session (1st to 28th meetings) of the Committee on Economic, Social and Cultural Rights
E/CN.4/1998/62	Situation of human rights in Nigeria: report submitted by Mr. Soli Jehangir Sorabjee, Special Rapporteur of the Commission on Human Rights

B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS NINETEENTH SESSION

E/1990/5/Add.33	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Switzerland
E/1990/5/Add.39	*Idem*: Israel
E/1994/104/Add.12	Third periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Cyprus

E/1994/104/Add.14	*Idem*: Germany
E/1994/104/Add.17	*Idem*: Canada
E/1998/7	Note by the Secretary-General: twenty-fourth report of the International Labour Organization
E/1998/22	Report of the Committee on Economic, Social and Cultural Rights on its sixteenth and seventeenth sessions
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.1	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1998/9	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1998/10	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of submission of reports: note by the Secretary-General
E/C.12/1998/11	Day of general discussion: the right to education (arts. 13 and 14 of the Covenant). State obligations, indicators, benchmarks and the right to education by Paul Hunt (University of Waikato, New Zealand)
E/C.12/1998/12	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the Secretariat
E/C.12/1998/13	Day of general discussion: the right to education (arts. 13 and 14 of the Covenant). The right to a quality education: background paper submitted by George Kent (University of Hawaii, United States of America)
E/C.12/1998/14	*Idem*. Right to education: survey and prospects by Alfred Fernandez, Director-General, and Jean-Daniel Nordmann, Principal Adviser, International Organization for the Development of Freedom of Education
E/C.12/1998/15	*Idem*. The right to education: background paper submitted by the World University Service

E/C.12/1998/16	*Idem*. The right to education as a human right, an analysis of key aspects: background paper submitted by Fons Coomans (Maastricht University, Netherlands)
E/C.12/1998/17	*Idem*. The right to education in the context of cultural rights: background paper submitted by Patrice Meyer-Bisch (University of Fribourg, Switzerland)
E/C.12/1998/18	*Idem*. Background paper by Katarina Tomasevski, Special Rapporteur of the Commission on Human Rights on the right to education
E/C.12/1998/19	*Idem*. Violations of the right to education by Audrey Chapman, Director, and Sage Russell, Senior Programme Associate, Science and Human Rights Programme, American Association for the Advancement of Science, Washington, D.C.
E/C.12/1998/20	*Idem*. The right to education and programmes to remedy inequalities by Ferrán Ferrer (Autonomous University of Barcelona, Spain)
E/C.12/1998/21	*Idem*. Considerations on indicators of the right to education by Zacharie Zachariev, Editor-in-chief of "Scientific and Educational Policy Strategies" (Sofia)
E/C.12/1998/22	*Idem*. How to measure the right to education: indicators and their potential use by the Committee on Economic, Social and Cultural Rights by Isabell Kempf, Programme Management Officer, United Nations Commission for Latin America and the Caribbean
E/C.12/1998/23	*Idem*. Comparative analysis of the right to education as enshrined in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights and provisions contained in other universal and regional treaties, and the machinery established, if any, for monitoring its implementation: background paper submitted by José L. Gómez del Prado
E/C.12/1998/24	Draft general comment No. 9 (1998): domestic application of the Covenant
E/C.12/1998/25	Draft general comment No. 10 (1998): the role of national human rights institutions in the protection of economic, social and cultural rights
E/C.12/1998/L.2	Draft programme of work: note by the Secretary-General

E/C.12/1998/L.2/ Rev.1	Programme of work: note by the Secretary-General
E/C.12/1998/NGO/3	Written statement submitted by the Centre Europe-Tiers Monde and the working group "NGO-Covenant I" (Human Rights Academy, Forum against Racism, Swiss Protestant Church Federation, Swiss Peace Council)
E/C.12/1998/NGO/4	Written statement submitted by the American Association of Jurists (pan-Canadian section) and the Ligue des droits et libertés du Québec (Canada)
E/C.12/1998/NGO/5	Written statement submitted by the National Anti-Poverty Organization (Canada)
E/C.12/1998/NGO/6	Written statement submitted by the International Federation of Human Rights Leagues and the Palestinian Centre for Human Rights
E/C.12/Q/CAN/1	List of issues: Canada
E/C.12/Q/CYP/1	*Idem*: Cyprus
E/C.12/Q/GER/1	*Idem*: Germany
E/C.12/Q/ISR/1	*Idem*: Israel
E/C.12/Q/SWI/1	*Idem*: Switzerland
E/C.12/1	Concluding observations of the Committee on Economic, Social and Cultural Rights on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1/Add.27	Concluding observations of the Committee on Economic, Social and Cultural Rights: Israel
E/C.12/1/Add.28	*Idem*: Cyprus
E/C.12/1/Add.29	*Idem*: Germany
E/C.12/1/Add.30	*Idem*: Switzerland
E/C.12/1/Add.31	*Idem*: Canada
E/C.12/1998/ SR.29-57/Add.1 and E/C.12/1998/ SR.29-57/Add.1/Corr.	Summary records of the nineteenth session (29th to 57th meetings) of the Committee on Economic, Social and Cultural Rights

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